

23.03.2026
Court No.652
Item No.15
Sayan

WPA 17410 of 2025

**Rajendra Prasad Dubey
Vs.
The State of West Bengal and Ors.**

Mr. Sakti Pada Jana

... For the Petitioner.

- 1.** The petitioner is represented by Mr. Sakti Pada Jana, learned advocate.
- 2.** State is not represented when the matter is called.
- 3.** The petitioner's grievance is that in spite of submission of all requisite documents as per the requisition of the DPPG dated January 16, 2023 vide letter of the School dated December 27, 2023 the pension of the petitioner has been unauthorizedly and illegally withheld by the said respondent authority and similar documents have again been sought for to be produced by dint of a subsequent letter dated August 21, 2024.
- 4.** Mr. Sakti Pada Jana, learned advocate for the petitioner has placed strong reliance on a memorandum No.55-Edn.(B) dated February 11, 1994 to submit that in case of voluntary retirement of an Assistant Teacher, like the present petitioner, the appointing authority i.e. the Managing Committee of the school is the competent

authority, to allow the incumbent to obtain voluntary retirement.

5. In this regard, Mr. Jana also referred to the resolution of the Managing Committee of the school dated August 27, 2022 and November 05, 2022. In this resolution dated August 27, 2022, the Managing Committee discusses and decides as follows:-

“6. As per the 6th Agenda, the Headmaster inform that Mr. Rajendra Prasad Dubey (Smar AT.) last attended his duty on 30/9/11 and tender his resignation for VRS on 28/2/13. As he did not apply for any leave, the H.M. proposed that his absence from 01/10/11 to 28/02/13 be granted (Post-facto) as 'Leave without pay' as per rule. The House unanimously granted the same to avoid any hurdles in his pensionary benefit.”

6. In the resolution dated November 05, 2022 the Managing Committee has decided as follows:-

“2. As per the 2nd Agendum, the Headmaster placed before the house a letter of West Bengal Board of Secondary Education memo no. D.S.(Aca)/437/V/12/1 dated 20/10/2022 in response to the approval of voluntary retirement of Shri Rajendra Prasad Dubey, former A.T. of institution, wherein the Board has informed that the Managing Committee is the competent authority to approve such voluntary retirement in case of the incumbent. No previous approval being available by the then Managing Committee (at the time of the voluntary retirement of the incumbent on dated 01.03.2013). The Headmaster proposed that post-facto approval of voluntary retirement be granted in favour of Mr. Rajendra Prasad Dubey (former A.T.). The matter was discussed in the house and the house unanimously resolved that post-facto approval be granted Mr. Rajendra Prasad Dubey w.e.f. 01/03/2013. (as per memo no. 55-Edn.(B), dt. 11/02/1994).”

7. As to those resolutions of the Managing Committee, there is no dispute in this case. Therefore, no question arises as to the legality and validity of the decision of the competent authority, that is the Managing Committee of the school to accept the proposal of retirement on voluntary ground, as submitted by the petitioner. Neither there can any question be raised as regards eligibility of pension of the petitioner, the statutory conditions for such eligibility being fulfilled, as it is in case of the present petitioner.

8. Hence, the Court finds force in the submissions of Mr. Jana, learned advocate that the petitioner would be entitled for the appropriate pensionary benefits as applicable to him under the rules. In this regard Mr. Jana has also pointed out to the fact that the petitioner has already completed 29 years of competent service, before the date of his voluntary retirement. That, therefore, the petitioner is also eligible under the Rules, for grant of pension.

9. In these circumstances, according to Mr. Jana, learned advocate for the petitioner, the respondent authority should not have withheld pension of the writ petitioner by issuance of the said letter dated August 21, 2024, requiring similar documents as have already been submitted before the same by the writ petitioner earlier.

10. Record has revealed that, the school authority, by dint of its letter dated November 22, 2022 addressed to the respondent/District Inspector of Schools, Secondary Education, Kolkata has complied with the objection raised in relation to voluntary retirement of the petitioner. Along with the said letter, the school authority has annexed the relevant documents needed for issuance of pensionary benefit to the said teacher. Though the Assistant Teacher Pension Provident Fund and Group Insurance has sent a further letter on January 16, 2023 seeking some documents which have already been forwarded by the school by dint of the letter dated November 22, 2022. This appears to be a frustrating long-drawn procedure only to defeat the purpose of benefit of pension to a teacher who has served for about 30 years in the school. The Court notices that, the school authority by dint of its letter dated November 22, 2022 has forwarded the requisite documents to the office of the respondent/District Inspector of Schools, Secondary Education, Kolkata. Let the same immediately transmit those along with the letter of the Headmaster of the school dated November 22, 2022 to the office of the Assistant Teacher Pension Provident Fund and Group Insurance, positively within a period of two (02) weeks from the date of communication of copy of this order. It would not solely be the duty of the school to time and again send the pension papers to

different authorities of the Government for issuance of pension which the component of the constitutional right to life of a citizen. The State should also bear some amount of responsibility by itself, by regularizing the communications between its own departments. Disbursement of monetary benefit is not the only duty of the State but as a part of its welfare measure it has to ensure smooth and hassle free process through which the person may accept the benefit which is part of his vital constitutional right.

11. In such circumstances, this Court further directs that, upon receipt of the documents along with letter of the school authority dated November 22, 2022 from the office of respondent/District Inspector of Schools, Secondary Education, Kolkata within the time stipulated as above, the Director of Pension Provident Fund and Group Insurance, West Bengal shall take steps on the basis of the documents so received and in accordance with the existing Rules for issuance of Pension Payment Order to the writ petitioner, within a period of three (03) weeks from the date of receipt of copy of the document from the office of the District Inspector of Schools, Secondary Education, Kolkata.

12. Let it be mentioned further that the District Inspector of Schools (S.E.), Kolkata/respondent No.3 shall be at liberty to call for any further document which

it finds necessary to be submitted by the writ petitioner, for the purpose as above.

13. With the direction as above, WPA 17410 of 2025 is disposed of.

14. There shall be no order as to costs.

15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)