

ML-530
20.02.2026
Court No.18
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 18534 of 2024
with
IA No. CAN 1 of 2025
(Application not in file)

Neeta Saha
-versus
The State of West Bengal & Ors.

Mr. Jayanta Das
Ms. Soumita Ghosh
... For the petitioner

Mr. Suman Dey
... For the School Authority

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Mr. Manas Bhattacharyya
... For the WBBSE

1. Affidavit of service filed in Court today is taken on record.

2. The petitioner retired from service on attaining her normal age of superannuation on 31st December, 2019. Due to pendency of a criminal case against her, she has not been paid her terminal dues.

3. Submission of the petitioner is that the criminal proceeding is no way related to the service of the petitioner. There is no allegation of pecuniary loss to the Government. No disciplinary proceeding was ever initiated by the school against the petitioner.

4. Whether terminal benefits of a retired employee can be withheld if the criminal case pending against her does not have any nexus with the service has been decided by the Court in the matter of **Anadi Prasad Mahato v. State of West Bengal & Ors.** reported in **2014 (2) CHN (Cal) 103** and in the matter of **Gunamay Mahata v. The State of West Bengal & Ors.** reported in **2015 SCC Online Cal 7503**.

5. The school is represented. The school never initiated any disciplinary proceeding against the petitioner.

6. The Court vide order dated 6th August, 2024 directed the respondents to file affidavit in the matter. The same has not been filed till date.

7. Direction was passed upon the District Inspector of Schools to release the provisional pension in favour of the petitioner on compliance of necessary formalities.

8. It has been submitted that provisional pension was issued on and from 21st January, 2025. The petitioner prays for releasing full terminal dues in her favour.

9. Upon hearing the submission on behalf of all the parties and on perusal of the materials on record, it appears that the petitioner would be covered by the law

laid down in the matter of Anadi Prasad Mahato (supra) and Gunamay Mahata (supra).

10. The Court while dealing with a similar issued in **WPA 6171 of 2022 (Sukdeb Haldar v. The State of West Bengal & Ors.)** passed order on **10th May, 2022** observing that it can never be ascertained with certainty as to when the criminal case will come to an end.

11. In the instant case, the criminal case against the petitioner was initiated in the year 2017. An appeal against the order passed by the learned trial court is pending consideration till date.

12. The petitioner retired from service way back in 2019. Admittedly, in the instant case, there is no allegation of pecuniary loss of the school or the State for any act of the petitioner.

13. The Court does not find any reason to withhold the pensionary benefit/terminal relief of the petitioner.

14. In view of the above, the instant writ petition stands disposed of by directing the District Inspector of Schools (Secondary Education), Malda to take necessary steps for releasing the complete terminal dues of the petitioner upon compliance of necessary formalities.

15. The school and the petitioner are directed to co-operate with the District Inspector of Schools for the purpose of making the pension file of the petitioner ready.

16. Steps shall be taken to release the dues of the petitioner positively within a period of six months from the date of communication of this order.

17. The petitioner is directed to forward to the District Inspector of Schools copy of all supporting documents in her favour for grant of terminal relief at the time of communicating the order of the Court.

18. Till complete disbursement of the terminal dues of the petitioner is made, the provisional pension that is being paid to the petitioner shall continue.

19. The writ petition stands disposed of.

20. In view of disposal of the writ petition, the connected application, being CAN 1 of 2025, is also disposed of.

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

22. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)