

31.03.2026
Sl. No.10(DL)
Ct. No.14
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 18685 of 2025

Kashinath Banerjee

Versus

The State of West Bengal & Ors.

Mr. Subhrangsu Panda,
Ms. Haritri Roy,
Mr. Ratul Ghosal,
Mr. Ratul Adhikary,
Mr. Anupam Singha

...for the Petitioner.

Mr. Malan Singh,
Ms. Mohuya Dutta Biswas

...for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

..for the WBBSE.

Mr. Amitabha Ghosh

...for the Respondent No.7.

1. By the present writ petition, the petitioner seeks for disbursement of retiral benefit forthwith in accordance with DCRB Scheme of 1981.
2. The petitioner contends that he joined as a Primary Teacher in Kumirmorah Seikhpara Primary School, District-Hooghly on 12th July, 2000. The petitioner retired from service on superannuation on 28th February, 2018 as the Head Teacher of Gopalpur Shibatala Primary School, District Hooghly. In order to process the pension papers of the petitioner, the concerned authority asked the petitioner to produce his original admit card of Secondary Examination.

However, the petitioner could not produce the same as that was lost long back. The date of birth of the petitioner was recorded in the service book as 1st March, 1958. The petitioner applied for duplicate admit card before the West Bengal Board of Secondary Education. From duplicate admit card, it was detected that the date of birth of the petitioner is recorded as 3rd November, 1955. As the service tenure of the petitioner got reduced due to the change in date of birth, the petitioner incidentally, was directed to deposit the overdrawn salary of an amount of Rs.7,76,609/- pertaining to the extra period of service. Challenging such action of the respondent authorities, petitioner has preferred the present writ petition.

3. Mr. Subhrangsu Panda, learned Advocate for the petitioner submits that the discrepancy which has arisen with regard to the service tenure of the petitioner are borne out of *bona fide* mistake. Be that as it may, during the pendency of the writ petition the petitioner has submitted an application before the authority concerned praying for disbursement of his pension and retiral benefits giving willingness to deduct the said overdrawn amount from his retiral benefits. He submits that the concerned authorities be directed to process the pension file at the earliest, in the light of the willingness given by the petitioner

in his application (Annexure R/4) of the affidavit of the State-respondents dated 17th March, 2026.

4. Ms. Muhuya Dutta Biswas, learned Advocate appearing for the State submits that the respondent authorities will process the pension papers of the petitioner subject to deduction of the amount of overdrawn of salary.
5. Pursuant to order of this Court, the State respondent has filed an affidavit dated 17th March, 2026, annexing an application of the petitioner for grant of pension and other retiral benefit (Annexure R/4). In the said application the petitioner has given his willingness for deduction of the overdrawn amount from his retiral benefits.
6. In view of the above, the respondent No.4, the District Inspector of Schools (P.E.), Hooghly is directed to process the pension file of the petitioner taking into consideration the letter R-4 giving willingness for deduction of the overdrawn amount of Rs.7,76,609/- from the retiral benefits of the petitioner. The authority concerned shall also take into consideration the date of birth of the petitioner as 3rd November, 1955 while preparing the pension papers. Respondent No.4 shall thereafter forward the pension papers to the Director of Pension, Provident Fund and Group Insurance for taking all consequential steps in such regard. Such exercise shall be completed within a

period of two months from the date of communication of this order.

7. Learned advocate for the petitioner is directed to communicate this order to respondent No.4, the District Inspector of Schools (P.E.), Hooghly, for necessary compliance.
8. Accordingly, the writ petition being **WPA 18685 of 2025** stands disposed of.
9. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
10. Interim order, if any, stands vacated.
11. All connected applications, if any, stand disposed of.
12. There shall be no order as to costs.
13. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)