

03.07.2026.  
Item No. 27.  
Court No. 13  
ap

**M.A.T. 1353 of 2025**  
**With**  
**I.A. No. CAN 2 of 2025**  
**The State of West Bengal & Ors.**  
**Versus**  
**Tripti Sankar Ghosh & Ors.**

Mr. Sahasrangshu Bhattacharjee, ld. AGP,  
Ms. Marry Datta,  
Mr. Jagannath Chatterjee.  
....For the State/Appellants.

Mr. Ekramul Bari,  
Sk. Imtiaj Uddin.  
...For the Respondent no.1/Writ Petitioner.

1. The instant intra court appeal is directed against the order dated 16<sup>th</sup> January, 2025 passed by a learned Single Judge of this Court in W.P.A. 30626 of 2013 (Tripti Sankar Ghosh – Vs. – The State of West Bengal & Ors.).
2. By the said order, the learned Single Judge has allowed the claim of the writ petitioner for the length of service for pension for the period that he served from 1<sup>st</sup> March, 1971 to 31<sup>st</sup> August, 1982 at Dighara Haradaya Vidyapith and thereafter from 31<sup>st</sup> August, 1982 to 16<sup>th</sup> February, 2000 at Fertilizer High School at Durgapur under the control of Hindustan Fertilizer Corporation Limited.
3. Be it stated that the first School is aided and the second under Hindustan Fertilizer Corporation Limited is a Recognized Unaided School.
4. It is an admitted position that the writ petitioner/respondent resigned from Dighara Haradaya Vidyapith on 30<sup>th</sup> August, 1982 and joined

the Fertilizer School under the HFCL at Durgapur on 31<sup>st</sup> August, 1982. He became the Headmaster of Bishnupur Sir Romesh Institution on 17<sup>th</sup> February, 2000 and retired on 31<sup>st</sup> May, 2010 therefrom. The petitioner was receiving pension for the period served from 17<sup>th</sup> February, 2000 till 31<sup>st</sup> May, 2010 at the last School as Headmaster. However, for the period from 1<sup>st</sup> March, 1971 till 30<sup>th</sup> August, 1982 under the Dighara Haradaya Vidyapith (aided) and the Fertilizer School from 31<sup>st</sup> August, 1982 till 16<sup>th</sup> February, 2000, which was recognized and unaided, the respondent no.1's service was not counted for the purpose of pension.

5. On the representation being made by the petitioner, the Director of School Education, West Bengal by an order dated 6<sup>th</sup> April, 2010 held that the resignation of the petitioner from Dighara Haradaya Vidyapith on 30<sup>th</sup> August, 1982 and joining at Fertilizer School on 31<sup>st</sup> August, 1982 i.e. the period from 1<sup>st</sup> March, 1971 till 16<sup>th</sup> February, 2000 cannot be reckoned for the reason that the Fertilizer School was unaided and the resignation from Dighara Haradaya Vidyapith was not with the permission of the State Authorities.

6. Reference in this regard is made to Sub-Clause (k) of Rule 7 of the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981 (in short 'DCRB Scheme, 1981') for teaching and non-

teaching staff under Chapter-III by the Director of School Education, West Bengal. Clause (k) prescribed as follows:

*“7(k). Resignation tendered by an employee or his dismissal or removal entail forfeiture of past service – provided that resignation of an employee for taking another appointment under any educational institution with proper permission shall not entail forfeiture of past service.”*

7. This Court is of the view that a plain reading of Sub-Clause (k) with the proviso thereto would essentially mean that the question of taking permission for joining an Unaided School is not conceived of under the DCRB Scheme, 1981. Even if the exception is applied for resigning from Dighara Haradayal Vidyapith, the respondent no.1 need not have sent any answer unless there was a formal joining of the petitioner in a Recognized Aided School under the State.

8. In the above context, taking or not taking of permission from the State Authorities at the time of resignation from Dighara Haradayal Vidyapith is of no consequence. The proviso specified in Sub-Clause (k) of Clause 7 of the DCRB Scheme, 1981 would not be attracted in any circumstances. Looking at the matter from another point of view, the State Authorities have not at any stage denied the employment of the petitioner at the Dighara Haradayal Vidyapith or the Fertilizer School.

9. The writ petitioner was paid salary and emoluments as per the rates prescribed by the State

while he was working at Dighara Haradayal Vidyapith. The movement of the petitioner from the said School to the Fertilizer School for better prospects or for being closer home or for any personal reasons, cannot in any event negate his right of continuous employment from 1971 till the year 2000 in the Fertilizer School.

10. In the light of the above, this Court is of the view that the impugned order had assessed the Rules as well as the facts of the case in their right perspective.

11. The impugned judgment shall, therefore, calls for no interference. The direction of the learned Single Judge shall be complied by the State Authorities within a period of six weeks from date.

12. Let revised Pension Payment Order and arrear of pension be released to the petitioner within the aforesaid period prescribed.

13. M.A.T. 1353 of 2025 shall stand dismissed.

14. In view of dismissal of the appeal itself, the connected application being CAN 2 of 2025 shall also stand dismissed.

15. There will be no order as to costs.

16. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Ananya Bandyopadhyay, J.)**