

07.11.2025
Sl. No.23
Ct. No.7
ss

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

W.P.A. No. 20334 of 2025

**A.F.M. Selim Halder
Versus
The State of West Bengal & Ors.**

Mr. Sudipta Maiti
Mr. Banshi Badan Maity

...for the Petitioner.

Mr. Pinaki Dhole
Mr. Subhajit Chowdhury

...for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for direction upon the respondent authorities to permit him to refund the Government's share of provident fund with interest and additional interest in terms of Government scheme.
3. The petitioner contends that his wife Late Rasida Khatun was an Assistant Teacher at Model Girls' Junior High Madrasah, P.O. Mathurapur, District South 24-Parganas who died-in-harness on 3rd March, 1995. The petitioner, being the husband, intends to refund the Governments' share of Contribution of Provident Fund in order to avail the benefit of pension.

4. Mr. Sudipta Maiti, learned Advocate for the petitioner submits that on 30th July, 2025 a representation was made before the respondent no.4, the District Inspector of Schools (SE), South 24-Parganas. However, no steps have been taken as yet. To buttress his contentions, he relies on the decision of a Co-ordinate Bench in *Rijia Khatun versus State of West Bengal & Ors. (WPA No. 18087 of 2025)*. He seeks for appropriate directions.
5. Mr. Pinaki Dhole, learned Advocate for the State leaves the matter to the discretion of this Court.
6. By Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June, 2014, the teachers were given option to join GPF Scheme upon refund of employee's share of provident fund.
7. A Co-ordinate Bench in *Rijia Khatun (supra)* has granted permission to the party to refund the employee's share in provident fund upon considering the decision of the Hon'ble Division Bench in *State of West Bengal & Ors. versus Sefali Jana & Ors. in FMA 620 of 2018*.
8. Respondent no.4, the District Inspector of Schools (PE), Purba Medinipur, shall also calculate the amount to be refunded by the petitioner.
9. Upon petitioner complying all formalities, including refund of employer's share of provident fund together with interest and additional interest as

applicable, a fresh Pension Payment Order shall be issued in his favour within a month thereafter.

10. In view of the submissions advanced on behalf of the respective parties, the respondent no.4, the District Inspector of Schools (PE), Purba Medinipur is directed to consider and dispose of the representation of the petitioner dated 30th July, 2025, upon notice to the petitioner as well as the Madrasah School authority, in accordance with law, as expeditiously, possible preferably within a period of six weeks from the date of communication of this order.
11. In the event it is found that the petitioner is entitled to benefit of family pension, the said respondent authorities shall take appropriate steps for issuance of Pension Payment Order in favour of the petitioner and also disburse the arrears of family pension in his favour.
12. Petitioner is directed to communicate this order to the respondent no.4, the District Inspector of Schools (SE), South 24-Parganas for necessary action.
13. With the above direction, the writ petition being **WPA 20334 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. 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.)