

07.11.2025  
Sl. No.27  
Ct. No.7  
gd

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

WPA/20526/2025  
PUSPARANI ACHARYYA  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Sudipta Maiti

...for the Petitioner.

Mr. Tarun Kumar Sur,  
Mr. Prashant Kumar Tripathi

...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 permission to refund the Governments' share of provident fund with interest and additional interest as per the Government Scheme in order to avail the benefit of pension.
3. The petitioner contends that her husband was a Head Teacher of Shibgachia Primary School, P.O.- Shibgachia, Jhikiria, District-Howrah. The husband of the petitioner died-in-harness on 4<sup>th</sup> January, 1991. The petitioner's husband exercised option under ROPA 1990. The petitioner made representation before respondent nos.3 and 4 to allow her to switch over to more beneficial retirement head being Pension-cum-

- Family Pension-cum-Gratuity. However, till date, no such steps have been taken, hence this writ petition.
4. Mr. Sudipta Maiti, learned Advocate for the petitioner submits that in the light of the proposition laid down by the Hon'ble Division Bench of this Court in ***Pramila Behara versus The State of West Bengal (In Re: FMA 864 of 2022)*** and in ***State of West Bengal versus Sefali Jana & Ors. (In Re: FMA 620 of 2018)***, the petitioner may be permitted to refund the Governments' share in the Contributory Provident Fund along with interest and additional interest as per the Government Scheme to avail the benefit of pension.
  5. Mr. Tarun Kumar Sur, learned Advocate for the State leaves the matter to the discretion of the court.
  6. By Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13<sup>th</sup> June, 2014, the teachers were given the option to join the GPF scheme upon refund of the employer's share of provident fund.
  7. In line with the above decisions, the respondent No.4, District Inspector of Schools (Primary Education), Howrah is directed to calculate the amount required to be refunded by the petitioner to get the benefit of pension and upon deposit of the said amount the said respondent being the pension sanctioning authority shall verify the pension papers of the petitioner and sent the same to the respondent No.3, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal for further steps to be

taken in accordance with law for issuance of the Pension Payment Order in favour of the petitioner.

8. The respondent Nos.4 and 3 shall complete the respective exercise as expeditiously as possible and the pension shall be paid to the petitioner on and from the next date of superannuation of the petitioner's husband.
9. With the above direction, the writ petition being **WPA 20526 of 2025** stands disposed of.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
15. 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.)**