

19.01.2026
Sl. No.4
Ct. No.14
ss

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

W.P.A. No. 25108 of 2025

**Ayesha Khatun
Versus
The State of West Bengal & Ors.**

Mrs. Sudipta Pramanik

...for the Petitioner.

Mr. Kanak Kiran Bandyopadhyay

...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 in Contributory Provident Fund with interest and additional interest in terms of Government scheme in order to avail the benefit of pension.
3. The petitioner contends that her husband namely, Md. Mazharul Haque was an Assistant Teacher of Jhanjhari Primary School, District Uttar Dinajpur who retired from service on superannuation on 31st January, 2010 from Nazarpur Free Primary School. The petitioner's husband was granted payment only on gratuity amount. The petitioner's husband died on 22nd March, 2012. The petitioner is the widow of the deceased teacher. The petitioner's husband exercised option under ROPA, 1990 in order to avail the benefit of pension. The petitioner seeks to refund the amount of Governments'

share in Contributory Provident Fund with interest and additional interest. Hence, this writ petition.

4. Mrs. Sudipta Pramanik, learned Advocate for the petitioner submits that the petitioner in order to avail the benefit of pension intends to deposit the Government's share of Contributory Provident Fund together with interest and additional interest. In support of her contention, she relies on the decision of a Co-ordinate Bench in *Santilala Mahato versus State of West Bengal & Ors.* (WPA 16272 of 2025).
5. Mr. Kanak Kiran Bandyopadhyay, 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 employer's share of Contributory Provident Fund.
7. Co-ordinate Benches in several matters granted permission to the party to refund the employer's share in Contributory Provident Fund following the decision of the Hon'ble Division Bench in *State of West Bengal & Ors. versus Sefali Jana & Ors.* in FMA 620 of 2018.
8. In view of the submissions advanced on behalf of the respective parties and in line with the decision of Hon'ble Division Bench in *Sefali Jana (supra)*, respondent no.4, the District Inspector of Schools (PE), Uttar Dinajpur, 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 respondent no.4, being the District Inspector of Schools (PE), Uttar Dinajpur 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.

9. 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.
10. With the above direction, the writ petition being **WPA 25108 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)