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W.P.A. 26244 of 2025

Archana Biswas

-vs-

The State of West Bengal & Ors.

Mr. Ekramul Bari,
Mr. K. M. Hossain,
Mr. Sk. Imtiaz Uddin,
Ms. Keya Sutradhar

....for the petitioner.

Mr. Debjit Mukherjee
Ms. Priyanka Jana

.... for the State

1. Learned advocate for the petitioner submits that petitioner retired on superannuation on 31st January, 2023 and till date has not received retiral dues including pension.
2. Notice of this Court has been drawn to a document at page 40 of the writ petition wherefrom it appears that Director of Pension, Provident Fund and Group Insurance while settling retiral dues of the petitioner raised objection that petitioner was appointed on 3rd October, 2000 as an approved teacher and sanction of yearly increment from 1st October, 2005 in favour of the petitioner requires review.
3. It is contended on behalf of the petitioner that she was an organizing teacher of a school who was granted approval vide memo dated 21st November, 2006 with effect from 3rd October, 2000. Therefore, petitioner did not have opportunity to get herself

trained within the span of five years if it is reckoned from 3rd October, 2000.

4. State respondents are represented by learned advocate who has opposed prayer of the petitioner and it is submitted that petitioner failed to obtain training qualification by 2nd October, 2005. Therefore, till obtaining training qualification she was not entitled to receive yearly increments.
5. In reference to an order dated 6th February, 2018 issued by the Joint Secretary to the Government of West Bengal, School Education Department it is submitted that exemption was granted to the teachers relating to obtaining training qualification but petitioner is not coming under the said order dated 6th February, 2018. Therefore, it is contended that there is no discrepancy in the objection raised on behalf of the Director of Pension, Provident Fund and Group Insurance.
6. Petitioner was an organizing teacher who got approval of appointment in terms of the order of a coordinate Bench dated 20th July, 2006 passed on a writ petition being WPO 615 of 2006 (Smt. Ila Saha & Ors. -vs- WBBSE & Ors.).
7. Pursuant to the order of the coordinate Bench dated 20th July, 2006 District Inspector of Schools (SE), Nadia being respondent no.3 issued approval

of memo on 21st November, 2006 thereby granting approval of appointment in favour of the petitioner being organizing teacher with effect from 3rd October, 2000.

8. After obtaining approval of appointment vide memo dated 21st November, 2006 with effect from 3rd October, 2000 petitioner obtained training qualification on 28th June, 2010 which is within the period of five years from the date of issuance of approval memo dated 21st November, 2006.
9. This Court finds substance in the submission made on behalf of the petitioner that she did not have opportunity to obtain training qualification within the prescribed period of five years if it is reckoned from 3rd October, 2000 taking note of the fact that approval memo was issued on 21st November, 2006 thereby granting approval of appointment in favour of the petitioner on and from 3rd October, 2000.
10. Under the aforesaid special circumstances, petitioner was required to obtain training qualification within the period of five years from the date of issuance of approval memo on 21st November, 2006 and in the present case petitioner obtained training qualification in the year 2008 which is well within the period of five years.
11. In view of aforesaid discussion, objection raised by

the Director of Pension, Provident Fund and Group Insurance that petitioner was not entitled to get yearly increment from 1st October, 2005 is not tenable.

12. State respondents are directed to settle pension case of the petitioner taking into consideration yearly increments granted to her, within the period of four weeks from the date of communication of this order.
13. State respondents are also directed to issue pension payment order in favour of the petitioner on compliance of necessary formalities and release retiral dues including pension at an early date but not later than ten weeks from the date of communication of this order.
14. The writ petition stands disposed of.
15. However, there shall be no order as to costs.
16. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Reetobroto Kumar Mitra, J.)