

24-02-2026
Item No.18
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.27385 of 2025

Debjyoti Kundu

-vs-

The State of West Bengal & Ors.

Mr. Kalyan Kumar Panda
Mr. Uttam Kumar Roy ...for the petitioner

Mr. Pradip Kumar Mondal
Ms. Debolina Dasgupta ...for the State

1. The petitioner retired from service on November 30, 2024 at the normal age of superannuation. His pensionary benefits have been calculated on and from the first date of entry in the approved service i.e. March 27, 2001. The petitioner has annexed documents to show that he was appointed and approved in service in a DA getting school on and from April 1, 1992.
2. It has been submitted that the pensionary benefits ought to be recalculated taking into his first date of entry in service i.e. on April 1, 1992 and not from March 27, 2001. In support of such submission, the petitioner has relied on several orders passed by coordinate Benches and the Hon'ble Division Bench of this Court.
3. Learned counsel for the State relies upon the instruction forwarded by the District Inspector of Schools, Purba Bardhaman dated February 12, 2026 wherein the authority has opined that the service rendered in a DA getting institution cannot be considered for the purpose of calculating the pensionable service period.

4. The opinion of the DI of Schools appears to be contrary to the several orders passed by the Court from time to time. The Court specifically held that the right of a teacher to get pensionary benefits flows from Memo No.180-Edn(B)/IM-83/88 dated May 20, 1988. The Government Order No.136-Edn(B) dated May 15, 1985 followed by the clarificatory Government Order No.131-SE(B) dated April 19, 2006 cannot be relied upon to refuse the claim of the petitioner.
5. As it appears that the DI of Schools, Purba Bardhaman is yet to pass any order on the prayer of the petitioner, accordingly, the instant writ petition is disposed of by directing the DI of Schools to consider the prayer of the petitioner for calculating his pensionable service period strictly in accordance with the prevailing Government Orders and the law laid down by the Court from time to time. A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.
6. A reasoned order shall be passed and communicated to the petitioner.
7. If the prayer of the petitioner is allowed, then revised PPO shall be issued in his favour and the amount mentioned therein shall be disbursed in favour of the petitioner without any delay.
8. Learned counsel for the petitioner shall forward a copy of the relevant decisions in support of his prayer to the aforesaid respondent at the time of communicating this order.
9. All parties are to act on the server copy of this order duly downloaded from the official website of

this Court.

10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]