

10.03.2026
Sl. No. 12
Ct. No. 14
AN

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

WPA/28187/2024
SHAMBHUNATH CHATTERJEE
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett
Mr. Abhijeet Bose
Ms. Puja Kumari

...for the Petitioner

Mr. Anand Farmania
Ms. Dipali Kundu

...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 direction upon the respondent authorities to condone the deficiency of 30 days in qualifying service for getting the pensionary benefits upon consideration of representation of the petitioner dated 25th April, 2023.
3. The petitioner contends that the petitioner was an Assistant Teacher of Garanberia Free Primary School under Baruipur Sub-Division, who joined the said school on 12th March, 2010. The petitioner retired from service on superannuation of 31st January, 2020. There is a shortfall of 30 days of qualifying service for getting pensionary benefits. On 25th April, 2023, the petitioner made a representation before respondent no. 4, the District Inspector of Schools

(P.E.), South 24 Parganas seeking for such condonation in shortfall of service. However, the same is still pending consideration. Hence this writ petition.

4. Mr. Pawan Kumar Gupta, learned advocate for the petitioner submits that as per the notification issued by the School Education Department, Government of West Bengal dated 2nd February, 2009, a fraction of a year equal to three months and above shall be treated as completed six monthly period of service and reckoned as qualifying service for determining retiral benefits and the period of service below three months will be ignored. In the present case, there is a shortfall of only 30 days. He submits that the matter be relegated to the appropriate authority for taking a decision on the application filed by the petitioner on 25th April, 2023.
5. Mr. Anand Farmania, learned advocate representing the State appearing through virtual mode concedes to such submission.
6. Accordingly, respondent no. 4, the District Inspector of Schools (P.E.), South 24 Parganas is directed to consider the representation of the petitioner dated 25th April, 2023 in the light of the notification no. 26-SE(B)/1M-13/08 dated 2nd February, 2009 of School Education Department, Government of West Bengal and dispose of the same in accordance with law by a reasoned order upon notice to the petitioner within a

period of eight weeks from the date of communication of this order.

7. Such reasoned order is to be communicated to the petitioner within a period of one week from the date of passing of such order.
8. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no. 4, the District Inspector of Schools (P.E.), South 24 Parganas for necessary compliance.
9. With the aforesaid directions, the writ petition being **WPA 28187 of 2024** is disposed of.
10. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
11. Consequently, connected applications, if any, stand disposed of.
12. Interim orders, if any, stand vacated.
13. There shall be no order as to costs.
14. 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.)