

27.01.2026
Sl. No.22
Ct. No.14
ss

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

W.P.A. No. 29132 of 2025

**Sri Satyajit Chowdhury
Versus
The State of West Bengal & Ors.**

Ms. Bipasha Bhattacharyya

...for the Petitioner.

Mr. Kaushik Chowdhury

Ms. Soumoydipa Kanu

...for the DPSC, Howrah.

Ms. Mousumi Banerjee

... for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Report filed by the State is also taken on record.
3. By the present writ petition, the petitioner seeks direction upon the respondent authorities to release pension in his favour upon condoning shortfall in qualifying service.
4. The petitioner contends that he was appointed as Assistant Teacher in Jagadishpur Primary School No.1 under Circle Bally West, District Howrah pursuant to selection process of the year 2009. Some of the candidates who succeeded in the said selection process of the year 2009 were given appointment on 3rd December, 2014 and they joined in the post in the month of December, 2014 whereas petitioner was given appointment on 16th June, 2015. Only for the reason of

delay on the part of the respondent authorities in issuing of appointment letter in favour of the petitioner, it has occasioned shortfall in service of the petitioner. There was no fault on the part of the petitioner to join in the said post at an early date. Since the petitioner did not complete 10 years of qualifying service, pension has not been granted in his favour and only gratuity amount has been paid to him. Being aggrieved by such action of the respondent authorities, the petitioner has preferred the present writ petition.

5. Ms. Bipasha Bhattacharyya, learned Advocate appearing for the petitioner submits that had the petitioner been appointed on December, 2014 with other candidates, he would have completed 10 years of qualifying service as required for grant of pension. There is only shortfall of 17 days. Referring to Rule 7(e)(iv) of the West Bengal Recognised Non-Government Educational Institution Employees (Death-Cum-Retirement Benefit) Scheme, 1981 (*hereinafter referred to as 'DCRB Scheme, 1981'*), she submits that the Government has the authority to condone deficiency upto 6 months in the qualifying service of the employee. She seeks that liberty be granted to the petitioner to file comprehensive representation before the authority concerned for redressal of his grievance. In support of her contention she relies on the decision of a Co-ordinate Bench of this Hon'ble Court passed in *Anath Nath Halder -versus- The State of West Bengal & ors. (WP No.14229(S) of 2014)*.

6. On the contrary, Ms. Mousumi Banerjee, learned Advocate appearing for the State submits that as per G.O. No.136-Edn.(B) dated 15th May, 1985, Clause 8 - Chapter IV, the concerned employee has to complete at least 10 years of qualifying service to get pension. The petitioner has completed only 9 years 11 months and 12 days of service and as such, he is not entitled to get pension.
7. Admittedly, as per the aforesaid Government Order in order to get pension, the concerned employee has to complete at least 10 years of qualifying service. The petitioner has joined on 19th June, 2015 in respect of selection process for the year 2009 in the District of Howrah. It is also not disputed that some of the candidates, who succeeded in the same selection process of 2009, were given appointment on December, 2014. There is a shortfall of only 17 days. Rule 7(e)(iv) of DCRB Scheme, 1981 provides that upon any condition which it may think fit to impose, Government may condone a deficiency of six months in the qualifying service of the employees of non-Government/Sponsored /Aided Educational Institutions/Organisations.
8. It appears that the petitioner has not yet filed any representation seeking for condonation of such shortfall. In such circumstances, liberty is granted to the petitioner to make a comprehensive representation before the respondent no.1, the Secretary, Department of School Education within a period of four weeks from

date. Upon submission of such representation the respondent no.1, the Secretary, Department of School Education shall consider and dispose of the same by passing a reasoned order in accordance with law, upon notice to the petitioner, within a period of six weeks from the date of receipt of such representation.

9. The reasoned order shall be communicated to the petitioner within a period of one week from the date of passing of such order.
10. With the above direction, the writ petition being **WPA 29132 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.)