

05.01.2026
SL. No.7
Court No.2
SKG

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

W.P.A. No. 2436 of 2025

**Satyendra Nath Sarkar
Versus
The State of West Bengal & Ors.**

Mr. Debajit Kundu

...for the Petitioner.

Mr. Hirak Barman
Mr. Pradip Sarkar,

... for the State.

1. Affidavit of service filed in Court today be taken on record.
2. The petitioner was an Assistant Teacher in a Secondary School. On attaining the age of superannuation he has retired from service on April 30, 2004.
3. The petitioner prayed for permission to refund the Government's share of contribution in his provident fund account with interest and additional interest to avail the benefit of pension.
4. Mr. Kundu, learned advocate for the petitioner submits that the petitioner since has exercised option to come under ROPA, 1990 in terms of the judgment dated July 26, 2023 passed by the Hon'ble Division Bench of this Court in *MAT 146 of 2019 (The State of West Bengal & Ors. vs. Muktimoyee Pal (Dey) & Ors.)*. He need not exercise a fresh option, but he is obliged to refund the Government's share of contribution towards his provident fund.

5. The District Inspector of Schools (S.E.), Cooch Behar, the respondent no. 4 herein is therefore 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 said respondent, being the pension sanctioning authority shall verify the pension papers of the petitioner and shall send the same to the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no.3 herein for further steps to be taken in accordance with law for issuance of the Pension Payment Order in favour of the petitioner.
6. The respondent nos. 3 & 4 shall complete their respective drills in this regard as expeditiously as possible.
7. WPA 2436 of 2025 is disposed of with the above terms without any order as to costs.
8. Parties to act on the server copy of this order duly downloaded from the official website of this Court.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Shampa Sarkar, J.)