

21.04.2026  
Item No.11  
Ct. No.14  
gd

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

WPA/6717/2026  
SISIR KUMAR MONDAL  
VS  
STATE OF WEST BENGAL AND ORS.

Mr. Rabi Sankar Chattopadhyay  
Mr. Uday Sankar Chattopadhyay  
Ms. Aishwarya Datta

...for the Petitioner.

Ms. Soumi Guha Thakurta

...for the State.

Mr. Saibal Acharyya  
Mr. Tanweer J. Mandal

...for DPSC, Purba

Bardhaman.

1. Affidavit of service filed by the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for quashing and/or setting aside of Memo No.163/M dated 25<sup>th</sup> September, 2025 passed by Sub-Inspector of Schools, Memari Circle, respondent no.5.
3. The petitioner contends that he retired as an Assistant Teacher on 31<sup>st</sup> November, 2025. During his service tenure a criminal case was initiated against 62 persons including the petitioner being Memari Police Station Case No.66 of 2019 dated 06.02.2019 under Sections 143/186/353/333/427/435/335/324/326/307/109/34 of IPC, Sections 3/4 of PDPS Act and Sections 09/15A/15B of WBMPO Amendment Act, 2017. The

petitioner was arrested in connection with the aforesaid case and since he was detained in custody for more than 48 hours, he was suspended on and from 6<sup>th</sup> February, 2019. The petitioner was granted bail on 16<sup>th</sup> February, 2019. Thereafter petitioner made a representation for withdrawal of order of suspension. Since the prayer of the petitioner was not considered, the petitioner filed a writ petition being WPA 11554 of 2020 which was disposed of with a direction upon the Chairman of the Council to consider the representation of the petitioner. By order dated 24<sup>th</sup> August, 2021 of the Chairman of the Council the order of suspension was withdrawn. The petitioner upon superannuation has not been granted any pension on the ground of pendency of criminal proceedings. Hence this writ petition.

4. Mr. Uday Sankar Chattopadhyay, learned advocate appearing for the petitioner submits that as per West Bengal Primary Education Employees' (Death-cum-Retirement Benefit) Rules, 2009 the petitioner is entitled to get full pension since the criminal proceedings does not involve moral turpitude.
5. Ms. Soumi Guha Thakurta, learned advocate appearing for the State seeks accommodation to take instruction.
6. List this matter on **5<sup>th</sup> May, 2026**.

**(Bivas Pattanayak, J.)**

