

13.04.2026  
Sl. No.24(DL)  
Ct. No.14  
srm

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

**W.P.A. No. 16789 of 2025**

**Sagarika Sanyal  
Versus  
The State of West Bengal & Ors.**

Md. Sarwar Jahan,  
Ms. Tapati Sarkar,  
Mr. Soumyojit Roy Choudhury  
...for the Petitioner.

Mr. Arindam Chattopadhyay,  
Ms. Lipika Chatterjee  
...for the DPSC, Nadia.

Mr. Biswabrata Basu Mallick,  
Mr. Biman Halder,  
Mr. Amman Arif Ansari  
...for the DPSC, Hooghly.

Ms. Asha G. Gutgutia  
...for the NCTE.

Mr. Pinaki Dhole,  
Mr. Avishek Prasad  
...for the State.

1. Md. Sarwar Jahan, learned Advocate for the petitioner undertakes to file affidavit-of-service on the returnable date.
2. By the present writ petition, the petitioner seeks for quashing and/or cancellation of the order under Memo No.1233/NDPSC/2025 dated 3<sup>rd</sup> July, 2025 issued by the respondent No.5, Chairman, Nadia District Primary School Council rejecting the prayer of for early retirement.
3. Md. Jahan, learned Advocate for the petitioner submits that the petitioner is an Assistant Teacher who is suffering from chronic obstructive pulmonary

disorder. For such reason, she is unable to attend her school and is absenting from school on and from 1<sup>st</sup> February, 2020. Under compelling circumstances, she approached this Court in WPA 5455 of 2023 seeking for her transfer to a nearby school or if not possible for premature retirement from her service with all retiral dues as per entitlement. The coordinate Bench of this Court directed the Commissioner of School Education to consider the matter sympathetically. By the order dated 16<sup>th</sup> October, 2023, the Commissioner of School Education after recording the suffering of the petitioner directed the Chairman, DPSC, Nadia to take appropriate steps under the West Bengal Primary Education (Leave of Teacher of Primary Schools) Rules, 1999 as well as allow the petitioner to rejoin her present school and thereafter take necessary steps to transfer the petitioner to a nearby school, namely, Sree Ramkrishna Vivekananda Shikshayatan Primary School on the ground of her illness. The petitioner was allowed to join. However, with the aggravation of the illness, the petitioner again made a representation for her early retirement with pensionary benefits on 25<sup>th</sup> January, 2025. Since that was not considered, the petitioner filed another writ petition being WPA 5489 of 2025. By the order dated 12<sup>th</sup> March, 2025, the co-ordinate Bench of this Court directed for consideration of the representation of the petitioner by the Chairman of

the Council. The prayer for early retirement of the petitioner was rejected citing Rule 19 of the West Bengal Primary School Teachers Recruitment Rules, 2016. Referring to the earlier Recruitment Rules of 2001, he submits that there was a provision under Rule 14 to form a medical board to assess the incapacitation of the teacher prior to considering the representation for early retirement. Such clause has been deleted in the subsequent amendment in the year 2016. However, the Rules of Death-cum-Retirement Benefit Scheme 1981 provides that a person being declared permanently incapacitated for further service by the Chief Medical Officer concerned may be allowed to retire if he qualifies ten years of service. The petitioner has qualified 10 years of service to receive pension. Moreover, Rule 20 of Rules, 2016 provides that such retirement can be made if a person is permanently incapacitated. The DCRB Scheme, 1981 has not been taken into consideration by the authority concerned and it proceeded on a wrong notion that the petitioner has to complete 20 years of qualifying service in order to have early retirement.

4. Mr. Arindam Chattopadhyay, learned Advocate for the DPSC, Nadia seeks accommodation to file a report in the form of affidavit.
5. Let such report in the form of affidavit be filed by the returnable date. Advance copy of such report be served upon the learned Advocate for the petitioner.

6. List this matter on **8<sup>th</sup> May, 2026.**

**(Bivas Pattanayak, J.)**