

23.02.2026
Item No. 26
Ct. No. 14
AN

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

**WPA 18685 of 2025
Kashinath Banerjee
vs.
State of West Bengal & ors.**

Mr. Subhrangshu Panda
Ms. Haritri Roy
Mr. Anupam Singha
Mr. Ratul Ghoshal

... for the petitioner

Ms. Mohua Dutta Biswas

... for the State

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

... for the WBBSE

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee

... for respondent no. 7

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for disbursement of his retiral benefits forthwith in accordance with the DCRB Scheme of 1981.
3. Mr. Subhrangshu Panda, learned advocate appearing for the petitioner submits that the petitioner joined as a primary school teacher in Kumirmorah Seikhpara Primary School on 12th July, 2000. The petitioner retired from service on superannuation on 28th February, 2018 as a Head Teacher of Gopalpur Shibatala Primary School. In order to process the pension papers of the petitioner, the concerned authority asked the petitioner to produce his original Admit Card of Secondary Examination. However,

the petitioner could not produce the same as that was lost long back. The date of birth of the petitioner was recorded in the service book as 1st March, 1958. The petitioner applied for duplicate Admit Card. From duplicate Admit Card, it was detected that the date of birth of the petitioner is recorded as 3rd November, 1955. As the service tenure of the petitioner got shortened for the change in date of birth, the petitioner, incidentally, was directed to deposit the overdrawn salary of an amount of Rs. 7,76,609/- pertaining to the extra period of service. Such a direction, after his retirement, is impermissible in law. He relies on the decision of the Hon'ble Supreme Court in the case of ***State of Punjab & ors. versus Rafiq Masih*** reported at ***AIR 2015 SC 696*** and the decision of a coordinate bench of this Court in the case of ***Ashok Tripathy versus Union of India & ors.*** (In Re: ***WPA 13911 of 2017***).

4. Ms. Mohuya Dutta Biswas, learned advocate representing the State seeks accommodation to file a report.

5. Let such report be filed in the form of an affidavit within a period of two weeks from date. Exception thereto, if any, be filed within a week thereafter. Advance copy be served upon the learned advocate appearing for the petitioner.

6. List the matter after three weeks under the same heading.

(Bivas Pattanayak, J.)