

**WPA 20217 of 2025**

**Durga Charan Ghosh  
Vs.  
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury  
Ms. Shreyeta Mitra  
Ms. Pritha Biswas  
...for the petitioner

Mr. Tapas Kumar Das  
Mr. SM Samim Ullah  
...for the State

Ms. Koyeli Bhattacharyya  
Mr. Bibek Dutta  
...for the WBBSE

Mr. Anjan Bhattacharya  
Ms. Anita Shaw  
Ms. Seema Thakur  
...for the School

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner being an Assistant Teacher has retired on superannuation on 31<sup>st</sup> December, 2020 but till date pension case of the petitioner has not been settled and retiral dues including pension are not released in favour of the petitioner triggering present writ petition.
3. Petitioner prays for direction upon the concerned respondent authorities for releasing retiral dues including pension.
4. Learned advocate representing respondent no. 6 has opposed this writ petition on the ground that President of the West Bengal Board of

Secondary Education is not authorized to issue clarification relating to entitlement of the petitioner to receive retiral dues. In this regard reliance is placed on Rule 3 of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching staff) Rules, 2018. It is submitted that whatever is delineated under Rule 3(1)(a) to (f) of the said Rules of 2018 Board is not required to issue any other direction pertaining to service of teaching and non teaching staff working in non-Government aided secondary/higher secondary schools. Therefore, according to respondent no. 6 clarification made by the President regarding entitlement of the petitioner to receive retiral dues was not warranted under the rules.

5. West Bengal Board of Secondary Education and State respondents are represented by learned advocates.
6. On perusal of the order dated 20<sup>th</sup> May, 2025 issued by the President of the Board it appears that President decided not to proceed with disciplinary proceeding against the petitioner. Consequently, it was clarified that petitioner was required to receive pensionary benefits.

7. Court does not find any infirmity in the order passed by the President of the Board dated 20<sup>th</sup> May, 2025 taking note of the fact that petitioner retired on superannuation on 31<sup>st</sup> December, 2020, but due to pendency of the issue before the concerned authority of the Board pension case of the petitioner could not be settled as authorities decided to initiate proceeding against the petitioner. Ultimately, on consideration of the issue relating to service of the petitioner pending before the Board it was decided by the President that there is no requirement to proceed with disciplinary proceeding against the petitioner. Therefore, it was rightly clarified by the President of the Board that there was no impediment in releasing retiral dues including pension in favour of the petitioner on compliance of necessary formalities.
8. Moreover, it needs to be recorded that decision of the president of the Board dated 20<sup>th</sup> May, 2025 has not been assailed by the authority of Jara High School, Paschim Medinipur.
9. In view of aforesaid discussion State respondents including respondent no. 6 are directed to process the pension case of the petitioner expeditiously. Respondent no. 6 is

directed to forward pension papers of the petitioner after making those papers ready to the District Inspector of Schools (SE) Paschim Medinipur being respondent no. 5 by 6 (six) weeks from the date of communication of this order.

10. On receipt of pension papers District Inspector of Schools (SE) Paschim Medinipur being respondent no. 5 shall settle the same by fortnight thereafter and release Pension and retiral dues at an early date but not later than 8 (eight) weeks thereafter on compliance of necessary formalities.
11. With the aforesaid directions and observations writ petition stands disposed of.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**