

24.07.2026.
Item No. 16.
Court No. 13
ap

**M.A.T. 1955 of 2025
With
I.A. No. CAN 1 of 2025
And
I.A. No. CAN 2 of 2025

Saktipada Mukherjee
Versus
The State of West Bengal & Ors.**

Mrs. Bratati Dutta.

....For the Appellant.

Mr. Subrata Mukherjee, Sr. Govt. Adv.,
Ms. Ranjana Chatterjee.

...For the State.

Re: CAN 1 of 2025 (Condonation of delay)

1. Affidavit-of-service filed in Court today be taken on record.
2. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 93 days in filing the instant appeal.
3. Having heard the learned Advocate appearing on behalf of the appellants as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 93 days in preferring the appeal.
4. In view of the above, the application for condonation of delay being CAN 1 of 2025 is allowed and disposed of.
5. There will be no order as to costs.

Re: MAT 1955 of 2025 in CAN 2 of 2025

6. The instant intra court appeal is directed against an order dated 11th August, 2025 passed by a learned Single Judge of this Court in W.P.A. 254 of 2025.

7. It appears that the Single Bench in the said order had directed the respondent/District Mass Education Officer to take a decision with regard to payment of retiral dues on the basis of the documents forwarded by the respondent no.5 therein, a Commercial Institute run by the Secretary, Ramakrishna Mission Ashram, Narendrapur.

8. The petitioner was admittedly a teacher for Shorthand and Typewriting in English.

9. It further appears that the order has not been complied with till date. The Single Bench appears to have overlooked the said order and has held that the petitioner was only a CPF optee and not a GPF optee.

10. The petitioner seeks benefit of the decision of a Larger Bench of this Court in the case of ***District Inspector of Schools (S.E.), Kolkata –Vs- Abhijit Baidya*** reported in ***2013 SCC OnLine Cal 13189*** as explained in a subsequent unreported Larger Bench decision in the case of ***Md. Abdul Ghani – Vs. – The State of West Bengal & Ors.*** being ***APOT 104 of 2006*** in the year 2019.

11. In that view of the matter, the Director of Public Instructions, West Bengal shall, within a period of one month from the date of receipt of this order, take an appropriate decision on payment of pension to the petitioner. If the similarly placed persons in the said Institution where the petitioner was teaching have been allowed pension, the petitioner shall also be allowed such pension.

12. Let appropriate option form and other documents be made available to the petitioner by the Institution itself, if not the Director of Public Instructions.

13. The impugned order shall stand modified accordingly.

14. Since no affidavit has been filed by the respondents, the allegations contained in the stay application and the writ petition shall not be deemed to have been admitted by them.

15. M.A.T. 1955 of 2025 shall stand disposed of.

16. In view of the disposal of the appeal itself, the connected application being CAN 2 of 2025 shall also stand disposed of.

17. There shall be no order as to costs

18. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)