

sn 16.09.2020
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W.P.A.6288 of 2020
C.A.N. 1 of 2020
(Old C.A.N.4740 of 2020)
Through Video Conference

DEBAJIT MAITY, SINCE MINOR,
REPRESENTED BY HIS LEGAL GUARDIAN NAMELY
SANKAR KUMAR DEY VS. STATE & ORS.

Md. Sarwar Jahan
Ms. Pritikana Gantait
 ..for the petitioner
Ms. Kakali Samajpati
 ..for the State

In view of the urgency, the matter is
taken up virtually. The C.A.N.1/2020 (Old
C.A.N.4740 of 2020 is disposed of.

Let the affidavit of service filed in Court
today be taken on record.

The petitioner is a minor represented by his
grand father, who is a legal guardian appointed by the
learned Additional District Judge, Paschim Medinipur
in Act VIII Case No.17 of 2011.

The petitioner prays for release of death
benefits of his mother who was an assistant teacher of
Kerur High School, Buralhat, Sabong, Paschim
Medinipur and who died on May 1, 2010. According to
the petitioner, it is hard for him to meet his day-to-day
expenses and the petitioner prays for release of
proportionate family pension and death benefits in his

favour. The grand father of the petitioner made a representation on his behalf before the authorities concerned praying for sanction of death benefit and family pension. The same has been annexed to the writ petition marked as “Annexure-p4.

The learned Advocate for the State respondents submits that the school authorities have not forwarded the papers to the pension sanctioning authority and as such no steps can be taken by the pension sanctioning authority.

This writ petition is disposed of with a direction upon the Secretary, School Education Department, Government of West Bengal, to consider the representation of the legal guardian of the petitioner dated March 9, 2020 and decide as to whether release of family pension and death cum retirement benefits (minor's share) for the protection of the child was permissible under the rules and regulations of the respondents.

The petitioner is directed to serve a copy of the said representation along with a server copy of this order upon the Secretary, School Education Department, Government of West Bengal, within six weeks from the date of receipt of the same. The Secretary, School Education Department, Government of West Bengal will consider the entire matter in

accordance with the circulars/guidelines and pass a reasoned order and intimate the same to Sankar Kumar De, legal guardian of minor Debajit Maity.

The Secretary, School Education Department, Government of West Bengal, shall decide whether in such a situation it was permissible for the respondents to release the minor's share of the family pension and death benefits. If any amount is disbursed after consideration and necessary action then the same being the minor's estate, the legal guardian will not handle the same without the permission of the concerned District Judge.

This Court has not gone into the merits of the claim and counter claim of the petitioner.

This writ petition is disposed of.

There will, however, be no order as to costs.

Parties are directed to act on the learned Advocate's communication.

(Shampa Sarkar, J.)

