

05.01.2021
DL-41
ssd

WPA 6586 of 2020
with
CAN 1 of 2020
(Old CAN 5383 of 2020)

Furkuni Bibi.
Vs.
The State of West Bengal and ors.

Md. Ahsanuzzaman

...for the petitioner.

Mr. Joytosh Majumder, Ld. G.P.
Mr. Raja Saha
Mr. Biswabrata Basu Mallick

...for the State.

The present writ petitioner is the third wife of one Md. Mobinuddin since deceased (hereinafter referred to as the said deceased) who was a primary school teacher, lastly working with Nandigram Prathamik Vidyalaya (hereinafter referred to as the said school), District Birbhum. The said deceased teacher retired from his service in or about 2008 and started receiving pension. In or about January, 2019 he died. After the demise of the said deceased the present petitioner, claiming to be the third wife, came to know that the first and second wives respectively had already applied before the school authority to receive the pension as the two widows of the deceased teacher in equal proportion. Immediately after knowing this fact the writ petitioner, as the third wife of the deceased teacher, on or about February 24, 2020 made a representation before the respondent no.5 and a copy of the same was also marked to the respondent no.6 with the necessary documents enclosed therewith. The writ petitioner through its Advocate's letter dated March 6, 2020 made

another representation before the respondent authorities.

The learned Advocate appearing for the writ petitioner then submits that by a communication dated December 8, 2020 issued by the respondent no.6 to the writ petitioner certain informations and documents were asked to be produced. However, this communication dated December 8, 2020 is not part of the record. The learned Advocate for the writ petitioner further submits that pursuant to the said requisition made by the respondent no.6 the writ petitioner submitted the relevant documents as were asked for. However, such facts is also not on record.

Mr. Joytosh Majumder, learned Government Pleader appearing with Mr. Biswabrata Basu Mallick, learned Advocate submits that respondent no.6 is the authority who is empowered to consider the case of the writ petitioner applying the relevant provisions of law.

In view of the above discussions, this court is of the view that justice will be sub-served by directing the respondent no.6 to consider the case of the writ petitioner, who is the third wife of the deceased teacher.

In view of the above, the respondent no.6 would consider the letter of the writ petitioner dated February 24, 2020 being Annexure- "P-6" to the writ petition and the representation made by the writ petitioner through its Advocate's letter dated March 6, 2020 being Annexure-"P-8" to the writ petition in accordance with law after giving adequate opportunity of hearing to the writ petitioner or her authorised representative as well as the first and second wives of the deceased teacher or their respective authorised representatives and dispose of the same with a reasoned order communicating the writ petitioner and the first and second wives of the deceased teacher. In the event the respondent no.6

seeks any further document or fact, it is entitled to ask for the same from the writ petitioner or the first and second wives of the deceased teacher.

The entire exercise has to be carried out and the reasoned order to be communicated as directed above by the respondent no.6 within a period of six weeks from the date of receipt of this order by the respondent no.6 and upon due notice of hearing to the writ petitioner and also the first and second wives of the deceased teacher.

In the light of the above, W.P. 6586 (W) of 2020, presently WPA 6586 of 2020 along with CAN 5383 of 2020, presently CAN 1 of 2020 stand disposed of.

Affidavit of service filed by the learned Advocate for the writ petitioner is kept with the record.

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

(Aniruddha Roy, J.)