

Court No. 24
24.12.2021
(Item No. 49)
(AB)

W.P.A. 14833 of 2021
(via video conference)

Del Roushan Begam
VS
The State of West Bengal & Ors.

Ms. Sabnam Sultana

..... For the petitioner

Mr. Md. Salahuddin

Md. A. Zaman

Md. Raziuddin

.... For respondent Nos. 6, 7 & 8

The husband of the petitioner was a teacher of a Madrasah. He retired from service on 31st July, 2015 and he expired on 30th December, 2020.

The grievance of the widow is that the retiral dues of the teacher have not been disbursed till date.

Learned advocate representing the Madrasah submits that due to the ill health of the teacher, documents relating to his service book were sent to his residence for his signature. The teacher took those documents for signature but thereafter never returned the original documents including the service book to the Madrasah in spite of repeated requests. The teacher, during his life time, never approached the Madrasah with a prayer for releasing his terminal benefits. After expiry of the teacher, the widow has come forward with a prayer for disbursement of the retiral dues of her husband.

The learned advocate for the Madrasah submits that due to non-availability of the original service book it is not possible for the Madrasah to

forward the papers of the petitioner to the office of the District Inspector of Schools for disbursal of his terminal benefits.

As it appears from the submissions made on behalf of the parties that admittedly the dues of the retired teacher have not been cleared and the teacher has expired in the meantime, accordingly the Madrasah is directed to take steps for reconstruction of the service book of the deceased teacher relying upon the documents that are available in the office of the Madrasah. After re-construction of the service book the Madrasah shall forward the same to the District Inspector of Schools (Secondary Education), Malda for disbursal of the retiral dues of the deceased teacher.

The Madrasah shall take necessary steps in the matter within a period of six weeks from the date of communication of a copy of this order.

The D.I. will act in accordance with law, within a period of six weeks after receipt of the necessary documents from the Madrasah.

The petitioner is directed to forward the copy of the service book in original or photocopy thereof, if available, to the Madrasah for processing the terminal dues of the deceased teacher.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)