

02.02.2022
SL No. 84
Court No. 24
(P.M)

WPA 1194 of 2022

**Anjana Ghosh
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Abhijit Basu
... for the petitioner

Mr. Shamim Ul Bari
... for the State

The petitioner claims to be the widowed daughter of a deceased primary school teacher. The primary school teacher retired from service on 28th June, 1985 and drew his pension till his death on 8th April, 1987. After the death of the father of the petitioner her mother drew family pension till her death on 9th July, 2017.

The petitioner submits that she became a widow on 7th April, 2000 and was completely dependent upon the family pension received by her mother.

The petitioner relies upon a memorandum issued by the School Education Department from time to time in respect of pension to be paid in his favour of the widowed daughters.

The grievance of the petitioner is that the representation filed by her on 29th November, 2021

praying for sanction of family pension in respect of widowed daughter has not been considered till date.

Learned advocate representing the State respondents submits that the heirship certificate annexed to the writ petition issued by the Panchayat shows that there are several other children of the deceased teacher. Whether there is any other eligible candidate to receive family pension is not reflected from the documents annexed to the writ petition.

In view of the above, the instant writ petition is disposed of by directing the District Inspector of School (Primary Education), Purba Medinipur to consider the representation filed by the petitioner, strictly in accordance with law, at the earliest, but positively within a period of sixteen weeks from the date of communication of a copy of this order and pass a reasoned order and communicate the same to all the parties immediately thereafter.

The said respondent shall afford an opportunity of hearing to the petitioner and all other necessary parties prior to taking a decision in the matter.

It is made clear that the Court has not entered into the merits of the claim raised by the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward copy of her representation dated 29th November, 2021 along with all supporting documents to the aforesaid respondent at the time of communication of the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)