

23.
11.05.2022
S.D.

W.P.A. 6711 of 2022

Hamidur Rahaman
Vs.
The State of West Bengal & Ors.

Md. Sarwar Jahan
Md. Asraful Huq
Mr. Maidul Islam Kayal

... For the Petitioner.

Mr. S. Sen

..For the Respondent.

Mr. Manas Kundu
Mr. Debabrata Mondal

...For the State.

The impugned order dated 02.02.2022 passed by the District Inspector of Schools (Primary Education), Birbhum is under challenge in the present writ petition.

By the said impugned order the prayer of the petitioner for grant of disabled pension has been turned down.

The impugned order refers to the Government Memoranda Nos. 325-SE(B) dated 5.9.2005, 378-SE(B) dated 28.07.2008 and 10-SE (B) dated 13.01.2009 read with 135-Edn(B) dated 15.05.1985.

Thereafter the impugned order mentions that as the petitioner failed to satisfy the conditions as laid down in the aforesaid Government Memoranda, accordingly he will not

be entitled to get family pension as physically handicapped son of the deceased teacher.

Apart from giving reference to certain Government Memoranda, the actual reason for not granting the family pension or the reason as to why and how the petitioner failed to satisfy the conditions as mentioned in the said Government Memoranda, the District Inspector of Schools simply rejected the case of the petitioner. The same cannot be held to be a reasoned order disclosing the reasons for rejection.

In view of the above, the impugned reasoned order dated 02.02.2022 is set aside.

The District Inspector of Schools (Primary Education), Birbhum is directed to reconsider the prayer of the petitioner for grant of family pension as a physically handicapped son of the deceased teacher strictly in accordance with law and by giving reasons after consideration of the prayer of the petitioner within a period of six weeks from the date of communication of this order.

The reasoned order shall be communicated to the petitioner immediately thereafter.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order be
supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)