

17.08.2022
Court No.13
Item No.77
sp

WPA 14723 of 2022

Alehar Sekh
Vs.
The State of West Bengal & Ors.

Mr. Jayanta Das,
Mr. Soumitra Ghosh

...for the petitioner

Ms. Chama Mookherjee, Id. Sr. Adv.
Ms. Paramita Pal

....for the State

Mr. S.S. Arefin,
Mr. Kaniz Kulsum,
Ms. Nadira Abedin

...for the respondent no.8

The writ petitioner claim to be the first wife of one Sk. Sirajul Haque. The said Sirajul Haque was an Assistant Teacher in Bhota High School, Burdwan (East). After superannuation on February 1, 2009, the said Sk. Sirajul Haque was receiving pension and after his death, the nominee named in the PPO, namely, Raifunnesa Begum, has been receiving pension.

The petitioner claims that during her husband's lifetime, she maintained her family out of his pension. She, therefore, claims a lawful share of the pension on account of late Sk. Sirajul Haque.

Admittedly, the respondent no.9, is a named nominee in the PPO, issued to late Sk. Sirajul Haque. The petitioner is required to establish her claim as

the first wife and person entitled to share of pension on account of the deceased Sk. Sirajul Haque.

Neither the Writ Court under Article 226 of the Constitution of India or the D.I. of Schools can adjudicate the issue. The remedy of the petitioner is to seek appropriate declaration and further relief before a Civil or other forum of competent jurisdiction.

With the aforesaid observations, the writ petition shall stand disposed of without any order.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)