

Court No.22

12.6.2023

(Item No. 16)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 5416 of 2018

Kanika Mahato

VS

The State of West Bengal & Ors.

Mr. Lal Ratan Mandal

Mr. Dilip Kumar Sadhu

.... For the petitioner

Mr. Lal Ratan Mandal, learned counsel appeared for the petitioner.

None appeared for the respondents.

From the office report dated February 15, 2019 signed by the Assistant Registrar – VIII it appeared that, despite direction being made by a co-ordinate bench on January 31, 2019 directing the State authorities to file a comprehensive report in the form of an affidavit, no such report had yet been filed.

The petitioner contended that, the petitioner being the widow of one Pasupati Mahato, since deceased, who was an **Assistant Teacher** of one **Bandwan Banjora High School, District – Purulia**. The husband of the petitioner died on April 7, 2005 as would be evident from **Annexure P-1 at page 19** to the writ petition. After the demise of the husband the petitioner being the widow claimed the Provident Fund Account accrued out of the employment of her husband. The record showed that a sum of **Rs.1,56,540/-** had been paid to the petitioner on

account of Provident Fund Account, **Annexure P-5** at **page 23** to the writ petition.

Mr. Lal Ratan Mandal, learned advocate for the petitioner referring to **page 29** from the writ petition submitted that, the closing balance on account of Provident Fund as on **financial year 2014-2015** was **Rs,3,01,483/-**. Referring to **Annexure P-6** at **page - 30** to the writ petition learned counsel for the petitioner submitted that, by an advocate's letter dated **February 9, 2018** a detailed representation was made on behalf of the petitioner before the State authorities and the same had not yet received any attention.

Considering the submissions made on behalf of the petitioner and considering the materials on records it appeared to this Court that, there is no point of keeping this writ petition pending. More so, in view of the fact that, despite direction no affidavit report was filed by the State respondents, neither the respondents are represented today.

In view of the above, to sub-serve justice the respondent No. 4 upon issuing a prior hearing notice of at least seven days upon the petitioner and the respondent No. 6 shall decide the said representation dated **February 9, 2018, Annexure P-6** at **page 30** to the writ petition after giving them an opportunity of hearing and shall decide the issue by passing a

reasoned order after verifying the relevant records and papers in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent No. 4 positively within a period of six weeks from the date of communication of this order and the respondent No. 4 shall communicate his reasoned order to the petitioner and the respondent No. 6 within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that, this court has not gone into the merits of the claim of the petitioner in any manner and the petitioner and the respondent No. 6 shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the respondent No. 4 but not beyond the scope of the case made out in the representation dated **February 9, 2018**.

It is made clear that, this order shall not create any right or equity in favour of the petitioner and the petitioner shall be granted appropriate relief strictly in terms of her eligibility in accordance with law.

The respondent No. 4 shall also be at liberty to verify the identity of the petitioner in the manner and mode it thinks fit and proper but of course judiciously.

The reasoned decision that shall be taken by the respondent No. 4 shall immediately be given effect

by the respondent Nos. 4, 6 and 5 positively within a period of three weeks from the date of the said reasoned order to be communicated to them.

On the above terms, this writ petition being **WPA 5416 of 2028** stands disposed of.

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

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)