

12.12.2023.
Court No.13
Item No. 354
pk

W.P.A. No. 18859 of 2023

**Rekha Bera
Versus
The State of West Bengal & Ors.**

Mr. Abhijit Basu,
Mr. Biswarup Biswas

...For the petitioner.

Mr. Anirban Sarkar
... For the State.

Affidavit-of-service filed in Court today be taken on record.

The petitioner is the widow daughter of Late Jitendra Nath Barik, who was an Assistant Teacher of Dakshin Shibganj Deshapran Free Primary School, District – South 24 Parganas. He died in service on 22.09.1967. The mother of the petitioner died on 29.07.2019. The petitioner applied for pension in terms of the Circular of the State No. 96-SE dated 13th April, 2010 which remain unconsidered.

In those circumstances, the concerned District Inspector of Schools (P.E.) shall consider the petitioner's representation which is appearing at page 26 of the writ petition. For the said purpose, the petitioner shall file a representation afresh enclosing

the details of the pension payment order of her late father and other documents prescribed in the said Circular within a period of fifteen days from date.

Upon receipt of the said representation, the concerned District Inspector of Schools (P.E.) shall dispose of the same with a reasoned order within a period of four weeks thereafter.

If the concerned District Inspector of Schools (P.E.) finds that the petitioner is entitled to get pension, the same shall be released to her as expeditiously as possible, preferably within a period of one month thereafter.

In this regard, the DPPG shall bear in mind the para 18-19 of the decisions of the Three Judges Bench of this Court in MAT 1518 of 2019 dated 20th June, 2023. An widow daughter of a person who retired before 1981 shall also come within the purview of the Circular dated 13th April, 2010.

The petitioner shall be entitled to receive all arrears in terms of such Circular dated 13th April, 2010.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)