

09.07.2024
Sn/sl.10
Ct. no.25

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)**

WPA 7870 of 2021

**Smt. Mithu Rani Majumder
Vs.
The State of West Bengal & Ors.**

Mr. Debabrata Acharyya
Mr. Sital Samanta
..for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
..for the State

The writ petitioner is the claimant of “Death-Cum-Retirement Benefits” allowable to her deceased husband, who was serving as an assistant teacher of the concerned school. The date of death of the husband of the writ petitioner is October 25, 2016.

The petitioner has made a representation before the concerned school authorities for allowing her the benefits as per law, in the event of death of the said teacher, of whom, the petitioner has claimed herself to be the wife.

Learned advocate for the writ petitioner has relied on the marriage certificate annexed in the present writ petition.

Regarding the contentions and prayer of the writ petitioner, there is a serious objection raised by the State, in view of the fact that the writ petitioner is not the wife

but the respondent no.8 is the wife of the said assistant teacher, now deceased, as per records.

Therefore, according to the State, the writ petitioner would not be entitled to any benefit, after the death of the said assistant teacher.

So far as the status of the respondent no.8, as the married wife to the concerned deceased person/assistant teacher, the petitioner has no serious objection. On consideration of the facts and circumstances, it appears that the records would primarily suggest, the respondent no. 8, to be the wife of the erstwhile teacher, now deceased, as per records. In that case, the petitioner shall not have any right as a wife and successor of the said teacher, unless proved otherwise. Therefore, the Court finds no legal right of the writ petitioner, to have been infringed. Hence, no scope for this Court, to interfere into the case, in exercise of power under Article 226, of the Constitution of India. The writ petitioner, is found to have no *locus standi*, to maintain this writ petition.

Hence, the writ petition being **WPA 7870 of 2021** is dismissed.

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

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)