

21.03.2024
(S/L. 10)
Ct.-18
(P. Jana)

W.P.A. 8780 of 2022

Rash Bihari Mondal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Gouranga Kumar Das,
Ms. Poulami Dutta,
... For the petitioners.

Mr. Bhaskar Prasad Vaisya, AGP,
Mr. K. M. Hossain,
Mr. Joydip Banerjee,
... For the State.

Mr. Akashdeep Mukherjee,
Mr. Badrul Karim,
... For the Private Respondent no. 6.

The son of the petitioners was a primary school teacher, who died-in-harness, the respondent no. 6 being the widow of the said deceased teacher has got the compassionate appointment and is receiving family pension. The respondent no. 6 has a minor daughter.

The petitioners are praying that the respondent no. 6 may be directed to pay some monthly amount to them on account of their maintenance.

In spite of a serious doubt regarding the maintainability of the writ petition, this Court in an attempt to resolve the dispute between the petitioners and the respondent no. 6, referred the matter to mediation.

The report of the mediation is on record which suggests that such attempt has failed.

Be that as it may, the direction as prayed for, is not warranted in exercise of the power under Article 226 of the Constitution of India.

However, in terms of the paragraph 11 of the Notification of the Government of West Bengal, Labour Department being No. 251-Emp. dated, Kolkata, the 3rd December, 2013, the respondent no. 6 is obliged to give the undertaking every year before the District Inspector of Schools (SE), South 24 Parganas, the respondent no. 4 herein. The said respondent is directed to ensure filing of such undertaking every year.

WPA 8780 of 2022 is disposed of with the above directions without any order as to costs.

Parties to act on server copy of this order duly downloaded from the official *Website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)