

16.07.2024
Ct. No. 14
Sl. No.134
KB

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 15333 of 2024

**Kinkari Maity
Vs.
The State of West Bengal & Ors.**

Mr. Sourav Mitra
... For the petitioner.

Mr. Aswini Kumar Bera
... For the State respondents.

Affidavit of service filed by the petitioner in
Court today is taken on record.

The petitioner is the widow daughter of a
retired primary school teacher. She seeks benefit in
terms of the
Government Order being G.O. No. 539-SE (P&B) dated
11.11.2010 read with G.O. No. 883-SE (P&B) dated
12.07.2011 and the Government Order No. 1114-SE
(B) dated 24.08.2011 issued by the School Education
Department, Government of West Bengal.

The petitioner also claims family pension in
terms of G.O. No.39-SE (B) dated 10.01.2008 issued
by the School Education Department, Government of
West Bengal.

A representation has been made by the petitioner which is pending consideration before the District Inspector of Schools (Primary Education), Purba Medinipur.

The petitioner relies upon the order dated 12th June, 2024 passed by a coordinate Bench of this Court in WPA 13398 of 2024 (Syed Sufiana Khatun vs. State of West Bengal & Ors.)

In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (Primary Education), Purba Medinipur to consider and dispose of the petitioner's representation dated 18th January, 2024 in terms of the Government Orders mentioned hereinabove.

A decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order. Reasoned order shall be passed and communicated to the petitioner immediately thereafter.

If the petitioner is found eligible to receive the arrears of pension and family pension in terms of the aforesaid Government Orders, then consequential steps for releasing the amount shall be taken at the earliest.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 18th

January, 2024 along with all documents in support of her claim to the aforesaid respondent at the time of communicating the order of the Court.

The aforesaid respondent shall take into consideration paragraph nos. 18 and 19 of the judgment delivered by the Special Bench of this Court in MAT 1518 of 2019 dated 20th June, 2023 (State of West Bengal vs. Sabita Roy & Ors.) to the effect that unmarried daughter of an employee, who retired before 1981 shall also come within the purview of the Circulars dated 10th January, 2008 and 13th April, 2010.

The writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)