

14.08.2024
Ct. No. 14
Sl. No.13
AGM

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

W.P.A 17807 of 2024

**Sri Bidesh Samanta
-versus
The State of West Bengal & Ors.**

**Mr. Gautam Banerjee
...For the Petitioner.**

**Mr. Dwarikanath Mukherjee.
Mr. Sourav Mitra.
Mr. Sreyashee Chowdhury.
... For the respondent no. 7.**

**Mr. Swapan Banerjee.
Mr. Sougata Mitra.
... For the State.**

**Mr. Biswabrata Basu Mallick. AGP
Mr. Biman Halder.
Mr. Amman Asif Ansari.
... For the DPSC, Hooghly.**

The petitioner claims to be the husband of a deceased primary school teacher. He prays for compassionate appointment in the died-in-harness category.

The mother of the deceased teacher was directed to be impleaded as a party respondent in the instant writ petition.

Learned advocate representing the mother of the deceased teacher submits that her daughter was

unmarried. The fact of marriage has been completely denied by the mother of the deceased.

In support of the marriage, the petitioner has annexed a marriage certificate signed on 9th September, 2013. The death certificate of the teacher records the name of the petitioner as the spouse of the deceased. The address recorded in the death certificate of the teacher is the private respondent's address.

The service documents produced by the learned advocate representing the private respondent reflect that the teacher had incorporated the name of her mother and sister in her service records. There is no mention about her husband.

The fact of marriage not being admitted but vehemently disputed by the mother of the deceased teacher, the Court is unable to grant any relief in favour of the petitioner.

Such disputed questions of fact cannot be adjudicated by the writ Court.

It will be open for the parties to approach the competent forum for appropriate relief.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)