

21.08.2024.
PB
Sl. No.19.
Ct. No.14.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 17428 of 2023

Asera Khatun
Vs
The State of West Bengal & Ors.

Mr. P. S. Das,
Mr. Md. Saifuddin,
Ms. Shanta Sarkar,
Mr. Debojyoti De.
.....for the petitioner.

Mr. Rajarshi Basu.
.....for the State.

The supplementary affidavit filed on behalf of the petitioner and the affidavit of service be retained with the records.

The petitioner claims to be the third wife of a deceased primary school teacher. The first wife pre-deceased the teacher. After the death of the teacher, the terminal benefits were divided in between the two surviving wives.

Learned advocate representing the petitioner submits that the second wife of the teacher has also expired on 13th September, 2017 and accordingly, the

share of pension paid to the second wife ought to pass on to the petitioner, being the third wife.

A supplementary affidavit has been filed incorporating the death certificate of Afroza Khatun Bewa, the second wife of the teacher and the certificate of the Pradhan of the Gram Panchayat disclosing the details of the heirs and legal representatives of the deceased Afroza Khatun Bewa.

Notice sought to be served upon the heirs of Afroza Khatun came back unserved with the postal endorsement 'insufficient address'.

Whether the petitioner would be entitled to receive the share of the second wife has to be decided by the appropriate authority.

In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (P.E.), Malda to take a decision on the legal representation filed on behalf of the petitioner seeking payment of the entire terminal benefit to the petitioner after giving an opportunity of hearing to the heirs and legal representatives of the deceased second wife Afroza Khatun. The petitioner would be obliged to produce all the documents in support of her prayer at the time of hearing before the District Inspector of Schools (P.E.), Malda.

A decision shall be taken by the aforesaid authority at the earliest, but positively within a period of six weeks from the date of communication of this order. In the event the entitlement of the petitioner to receive the dues of the deceased Afroza Khatun is found, then necessary consequential steps shall be taken by the District Inspector of Schools at the earliest.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)