

03.09.2024.
Sl. No.13.
Ct. No.14.
AGM

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

WPA 19702 of 2023

Sandhyarani Purkait @ Sandhya Purkait
Vs
The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra.
.....for the petitioner.

Mr. Shamim Ul Bari,
Mr. Vijay Agarwal.
.....for the State.

The petitioner claims to be the second wife of a deceased primary school teacher. She prays for grant of family pension in her favour.

The teacher was a Hindu and was earlier married. He retired on attaining the age of superannuation in the year 1982. The first wife of the teacher expired in January 1997 and the teacher expired in August 1997.

Learned advocate for the petitioner contends that the marriage of the petitioner along with the teacher took place prior to the commencement of the Hindu Marriage Act, 1955.

It appears that the teacher never rectified the official records by incorporating the name of the petitioner as his nominee or his wife. There is no official record in support of the petitioner as regards her marriage with the teacher.

She claims that the villagers, her son and the brother's of the first wife will vouch for her marriage with the teacher.

The learned advocate representing the State respondents opposes the prayer of the petitioner for grant of pension. The marriage in question has been denied.

Upon hearing the parties and upon perusal of the documents placed before this Court, it appears that the teacher himself never disclosed the identity of the petitioner as his wife. The teacher was alive for a long time after his superannuation. He never sought for correction of the official records. Even after the death of the first wife, the teacher was not interested to pass on any benefit to the petitioner.

In the absence of a proper proof of marriage, the claim of the petitioner seeking family pension cannot be allowed.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)