

06.03.2024.
Court No.13
Item No. 65
pk

W.P.A. No. 22711 of 2023

**Kalpana Roy
Versus
The State of West Bengal & Ors.**

Mr. Saurav Mitra,
Ms. Sreyasree Choudhury.

...For the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

... For the State.

1. The petitioner is the unmarried daughter of Late Manindra Nath Roy, who was an Assistant Teacher of Balichak Bhajachak Institution, District – Paschim Medinipur. He retired on 30.04.1976 and died on 14.04.1997. The mother of the petitioner died on 09.02.2011. The petitioner applied for pension in terms of the Circular of the State No. 96-SE dated 13th April, 2010 which remain unconsidered.
2. A Special Bench decision of this Court in MAT 1518 of 2019 (State of West Bengal Vs. Sabita Roy) held that an unmarried daughter is also entitled to pension on account of the service of her father.
3. In those circumstances, the concerned District Inspector of Schools (S.E.) shall consider the

petitioner's representation which is appearing at page 27 of the writ petition. For the said purpose, the petitioner shall file a representation afresh enclosing the details of the pension payment order of her late father and other documents prescribed in the said Circular within a period of fifteen days from date.

4. Upon receipt of the said representation, the concerned District Inspector of Schools (S.E.) shall dispose of the same with a reasoned order within a period of four weeks thereafter.
5. If the concerned District Inspector of Schools (Sm.E.) finds that the petitioner is entitled to get pension, the same shall be released to her as expeditiously as possible, preferably within a period of one month thereafter.
6. The petitioner shall be entitled to receive all arrears in terms of such Circular dated 13th April, 2010.
7. The impugned order dated 14th November, 2022 shall stand set aside.
8. With the aforesaid directions, the instant writ petition shall stand disposed of.
9. There will be no order as to costs.
10. All parties are directed to act on a server copy of

this order duly downloaded from the official
website of this Court.

(Rajasekhar Mantha, J.)