

30.09.2024
Ct. No. 17
Sl. No.22
NB

In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 23824 of 2024

Hiranmoyee Das
Vs.
The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sreyashree Choudhury.
... for the petitioner.

Mr. Kamal Kumar Chattopadhyay,
Mr. Soumyajit Ghosh.
...for the State.

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.).

Learned counsel appearing on behalf of the State submits that an SLP has been preferred against a similar order passed in this regard as the one, which has been relied upon on behalf of the petitioner. However, no interim order has been granted yet. Only notice was directed to be issued.

In view of the above, the instant writ petition is disposed of by direction the District Inspector of Schools (Primary Education), Purba Medinipur to consider and dispose of the petitioner's representation dated 31.03.2023 in terms of the Government Orders mentioned hereinabove.

A decision shall be taken in the matter at the earliest by 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 counsel for the petitioner is directed to forward a copy of the representation dated 06.05.2022 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 stands disposed of.

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

(Jay Sengupta, J.)