

06.03.2024.
Court No.13
Item No. 69
ap

W.P.A. No. 25427 of 2023

**Dipali Samanta
Versus
The State of West Bengal & Ors.**

Mr. Saurav Mitra,
Ms. Sreyasree Choudhury.
...For the petitioner.

Mrs. Rupsha Chakraborty.
... For the State.

The petitioner is the widowed daughter of Late Rakhal Chandra Gayen, who was an Assistant Teacher of Raghunathbari Ramtarak High School, District – Purba Medinipur. He retired on 31.03.1981 and died on 06.03.2000. The mother of the petitioner died on 05.10.2008. The petitioner applied for pension in terms of the Circular of the State No. 96-SE dated 13th April, 2010 which remain unconsidered.

The right of a widowed daughter to pension has been upheld by a Full Bench of this Court in M.A.T. No. 1518 of 2019 (The State of West Bengal & Ors. – Vs. – Sabita Roy).

The respondents shall also bear in mind the para 18-19 of the decisions of the Three Judges Bench of this Court in MAT 1518 of 2019 dated 20th June,

2023. An unmarried daughter of a person who retired before 1981 shall also come within the purview of the Circular dated 13th April, 2010.

Raghunathbari Ramtarak High School, District – Purba Medinipur shall therefore forward all the papers relating to the service of Late Rakhal Chandra Gayen to the District Inspector of Schools (S.E.) immediately.

The concerned District Inspector of Schools (S.E.) shall consider the petitioner's representation which is appearing at page 22 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.

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.

If the concerned District Inspector of Schools (S.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.

The petitioner shall be entitled to receive all arrears of family pension in terms of such Circular

dated 13th April, 2010.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

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.)