

22.11.2024
Item No.7, DL
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 26864 of 2024

Sindhu Bala Maity

-Vs-

The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sreyasree Choudhury.
.....for the petitioner.
Mr. S.S. Arefin.
.....for the State.

Affidavit of service filed on behalf of the petitioner be kept with the record. None appears on behalf of the State respondents in spite of service.

Leave is granted to the learned Advocate-on-record for the petitioner to correct the list of dates to the petition.

Mr. Mitra, learned Advocate for the petitioner informs this Court that Ms. Arpita Saha, learned Advocate has been engaged to represent the State but she is absent on call and could not be contacted even on her mobile.

Under such circumstances, this Court engages Mr. S.S. Arefin, learned Advocate in the State roll to represent the State respondents in this matter. Copy of the writ petition be served upon him, his engagement be regularized.

The husband of the petitioner was an Assistant Teacher at Fulboni Special Primary School, under Contai East circle, District : Purba Medinipur who died in harness on December 07, 1963.

The right of the widow of a deceased teacher to get the family pension has been recognized by the Special

Bench of this Court in ***MAT 1518 of 2019 (State of West Bengal –Vs- Sabita Roy)***.

The petitioner thereafter on January 04, 2023 gave a representation to the District Inspector of Schools, (Primary Education), District : Purba Medinipur, the respondent no.4 herein praying disbursement of such family pension in her favour. The said representation forms part of the writ petition being Annexure P-2. The petitioner is praying disposal of the said representation.

The respondent no.4 is directed to consider and dispose of the said representation in accordance with law as expeditiously as possible and in the event the petitioner is found eligible to get such pension, the said respondent shall take forward steps for release of it.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

WPA 26864 of 2024 is thus disposed of without any order as to costs.

It is noticed that some of the advocates in the State roll are not interested to defend the State, the learned Government Pleader is to take note of such situation and shall take appropriate steps.

The Department is directed to communicate this order immediately to the learned Government Pleader.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)