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01.02.2024  
Bpg.  
ct.no.34

**W.P.A.31026 of 2017  
(Assigned)**

**Mst. Nazma Begam  
Versus  
The State of West Bengal and others**

**Mr. Sakti Pada Jana  
Mr. Subhajyoti Das.  
...for the petitioner.**

**Mr. Pinaki Dhole  
Mr. Avishek Prasad.  
...for the State.**

Petitioner has challenged the order dated 07.09.2017 passed by the District Inspector of Schools (SE), North 24 Parganas wherein the authority refused to extend the option to the present petitioner to switch over from the Pension-cum-Gratuity Scheme under the DCRB Scheme, 1981 and continue the family pension under the said scheme. In order to arrive at such a conclusion, the authority relied upon certain earlier judgments as also notifications.

Learned advocate appearing for the petitioner has relied upon the Division Bench judgments of this Court passed in FMA 620 of 2018 dated 24.08.2023, FMA 864 of 2022 dated 11.12.2023 and the Single

Bench Judgment in WPA 27 of 2024 dated 05.01.2024.

Learned advocate for the State has submitted that since no affidavits have been filed on behalf of the respondents/State authorities, it may be left to the concerned authorities for adhering to the recent judgments delivered by this Hon'ble Court.

I have considered the judgments relied upon by the petitioner which are referred to above and I am of the view that the fact situation in the said judgments referred to along with the final relief claimed may if appropriately applied, extend benefit to the present petitioner.

Accordingly, I set aside the earlier order dated 07.09.2017 passed by the District Inspector of Schools (SE), North 24 Parganas and direct him to reconsider the said order on an application being filed by the present petitioner which would incorporate her claims in accordance with the judgments referred to above.

It has been submitted on behalf of the petitioner that such application would preferably be filed within a period of 15 days from date before the District Inspector of Schools (SE), North 24 Parganas. The District Inspector of Schools (SE), North 24 Parganas would consider the plight of the present

petitioner and would dispose of the same expeditiously, preferably by 30<sup>th</sup> March, 2024.

With the aforesaid observations, WPA 31026 of 2017 is disposed of.

Pending connected application, if any, is consequently disposed of.

Since no affidavits were called for by the parties, the allegations made in the writ petition are deemed to be denied by the State-respondents.

Urgent certified copy of this order, if applied for, be given to the learned advocate appearing for the parties upon compliance of all requisite formalities.

***(Tirthankar Ghosh, J.)***