

13.06.2024
Sl. No.4(DL)
srm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

**W.P.A. No. 789 of 2024
Nur Nehar Pradhan
Versus
The State of West Bengal & Ors.**

Mr. Deborshi Dhar

...for the Petitioner.

Mr. Momenur Rahman,
Mr. Anirban Banerjee

...for the State-respondents.

1. Affidavit-of-service is taken on record.
2. The petitioner claims to be the unmarried daughter of the deceased employee, late Makchhedul Islam. Makchhedul Islalm retired from service as an assistant teacher of Fetemamud Junior Basic School under the Haldibari Circle, Cooch Behar. He expired on November 14, 1992. His wife was given family pension. The wife expired on February 25, 2019. The petitioner as the unmarried daughter, claims family pension in terms of the notification dated November 12, 2008.
3. The petitioner has already filed a representation before the District Inspector of Schools (Primary Education), Cooch Behar with a prayer for grant of family pension.

4. There is nothing on record to show that the authorities have ever taken any decision with regard to the prayer of the petitioner for grant of family pension. Whether the petitioner is eligible for family pension as per the rules and notifications or not, must be decided by the competent authority. The records must be available with the authorities as it is the petitioner's case that the widow (mother of the petitioner) was granted family pension.
5. The writ petition is disposed of with a direction upon the District Inspector of Schools (Primary Education), Cooch Behar to consider the representation of the petitioner which is annexure P/6 at page 25 of the writ petition and pass a reasoned order upon hearing the petitioner, the Headmaster of the school where the petitioner's father was serving and pass necessary orders with reasons.
6. The entire exercise shall be completed within a period of three months from the date of communication of this order.
7. There shall be no order as to costs.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)