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27.02.2025
Ct. No. 18
(ARPAN)

W.P.A. 535 of 2025

**Ava Rani De
Vs.
The State of West Bengal & Ors.**

Mr. Subhadeep Chatterjee
Ms. Arpita Kundu

...for the Petitioner

Mr. Kanai Lal Mondal

...for the State

In terms of previous orders, a detailed report dated 21st February, 2025 is furnished today by the District Inspector of Schools (S.E.), Purba Bardhaman and same is taken on record.

On perusal of the report it appears that husband of the petitioner was an approved Assistant Teacher who served the school from 19th September, 1978 to 31st January, 1999. On superannuation of the husband of the petitioner on 31st January, 1999, since no option was exercised under DCRB Scheme, 1981, it was found that the recognized Non-Government Secondary Institution Pension Rules under order no.1610-Edn.(S) dated 18th July, 1968 was applicable and PPO was issued *vide* No. PEN/VI/EDN/8084 by the Accountant General, West Bengal wherein it was mentioned "No Family Pension". However, from the report it further appears that issue relating to entitlement of the petitioner to receive family pension was forwarded to the Commissioner of School Education, West Bengal by the District Inspector of

Schools (S.E.), Purba Bardhaman *vide* memo dated 20th February, 2025.

It is further stated in the report that the school where husband of the petitioner worked now comes under the jurisdiction of District Inspector of Schools (S.E.), Paschim Bardhaman.

Since the issue is pending before the Commissioner of School Education, West Bengal, the Commissioner is directed to take decision on the claim of the petitioner seeking sanction of family pension by twelve (12) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or her legal representative. The Commissioner shall pass a reasoned order and same shall be communicated to the petitioner by ten (10) days thereafter.

Leave is granted to the learned advocate for the petitioner to amend the cause title and add Commissioner of School Education, West Bengal as additional respondent in course of this day. However, service of notice upon the Commissioner stands waived since State respondents are represented by learned advocate.

With the above direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon usual undertakings.

(Saugata Bhattacharyya, J.)