

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Prasenjit Biswas

**FMA/3410/2016
With
IA NO: CAN/3/2025, CAN/4/2025**

**THE STATE OF WEST BENGAL & ORS.
VS
REKHA PAL**

For the Appellants : Mr. Jayanta Samanta, Jr. Govt. Adv.
Ms. Debapriya Chatterjee, Advocate

For the Respondent : Mr. Ashis Kumar Chowdhury, Advocate
/writ petitioner Mr. Babhru Bahan Bera, Advocate
Mr. Avisek Chatterjee, Advocate

Heard and judgment on : July 1, 2025

DEBANGSU BASAK, J.

1. CAN 4 of 2025 is an application for recalling an order of dismissal for default passed on December 6, 2023.
2. Learned advocate appearing for the respondent submits that he does not object to the restoration being allowed.
3. In such circumstances, in view of the stand taken by the respondent and the causes shown in the application for restoration, order dated December 6, 2023 passed in FMA 3410 of 2016 is recalled. CAN/1/2014 (Old IA: CAN/10876/2014) and FMA 3410 of 2016 is restored to its file and number.

4. CAN 4 of 2025 is allowed.
5. By consent of the parties, the appeal is treated as on day's list and taken up for final hearing.
6. Appeal is at the behest of the State and directed against an order dated August 21, 2014 passed in WP 31378(W) of 2013.
7. By the impugned order, the writ petitioner assailed an order dated October 4, 2012 passed by the Director of Employment, West Bengal, refusing the claim of the writ petitioner to be enlisted under the exempted category of land loser on the plea that the writ petitioner is a married daughter of the original owner of the land.
8. Learned Single Judge by the impugned order held that, a female heir, by dint of her marriage cannot be denied the benefits of land loser policy. In such circumstances, learned Single Judge set aside the order dated October 4, 2012 and directed the Director of Employment, West Bengal to enlist the name of the writ petitioner in the exempted category list under the heading 'land loser' within four weeks from the date of communication of such order.
9. Learned advocate appearing for the appellants submits that, the land loser policy does not permit a married daughter to be enlisted as within the category of land loser.
10. With respect, we are unable to accept such contention on behalf of the appellants. There are several decisions of the High Court in this regard, as noted by the learned Single Judge, which discourage gender discrimination on such count.
11. In such circumstances, we find no merit in the present appeal.
12. The direction contained in the impugned order passed by the learned Single Judge is upheld.

13. FMA/3410/2016 along with the connected applications are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

14. I agree.

(Prasenjit Biswas, J.)