

M/L 305
17.03.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2036 of 2025

Smt. Suniti Roy

Vs.

The State of West Bengal & Ors.

Mr. Subhrangshu Panda

Mr. Ratul Ghosal

Ms. Haritri Roy

...for the Petitioner.

Mr. Vimal Kumar Shahi

Ms. Kakali Naskar

...for the State.

Affidavit of service filed on behalf of the petitioner in Court today be kept with the record.

The father of the petitioner was an Assistant Teacher of a primary school under Bankura District Primary School Council, who had died-in-harness on December 5, 1974. The mother of the petitioner thereafter was receiving the family pension she has also died on August 14, 2019. The petitioner being the unmarried daughter thereafter had prayed for family pension.

The District Inspector of Schools (PE), Bankura, the respondent no.4 herein by his order dated December 18, 2024 has rejected the said prayer of the petitioner holding that the prayer of the petitioner has not covered as per G.O. No. 539-SE(P&B)/SL-SS-61/10(P 1) dated November 1, 2010 under the DCRB Scheme, 1981.

The issue regarding entitlement of an unmarried daughter of a deceased teacher in view of the judgment of the Special Bench of this Court in the case of ***State of West Bengal & Ors. vs. Sabita Ray*** passed in ***MAT 1518 of 2019*** is no longer *res integra*. Therefore, the order impugned is not sustainable and is accordingly set aside.

The respondent no.4 is directed to reconsider the prayer of the petitioner in the light of the aforementioned judgment of the Special Bench of this Court within a period of three weeks from the date of communication of this order. In the event, the petitioner is found to be eligible for such family

pension, the said respondent shall take forward steps for disbursement of the same.

WPA 2036 of 2025 is disposed of without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)