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March 2025
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Ct. 19
03.03.2025

In The High Court At Calcutta
Constitutional Writ Jurisdiction

W.P.A. 3088 of 2025

Minakshi Paul

Vs.

The State of West Bengal & Ors.

Mr. Dhananjay Banerjee,
Ms. Oindrila Ghosh

... For the petitioner.

Mr. Kapil Guha

... For the State.

Mr. Saibal Acharyya,
Mr. Tanweer Jamil Mandal

... For the DPSC, Purba Burdwan.

Mr. Tanmoy Khan

... For the respondent no. 7.

The father of the petitioner was an Assistant Teacher of a primary school under Purba Bardhaman District Primary School Council, on attaining the age of superannuation he had retired from his said service on July 31, 2013 and has died on June 12, 2022.

The petitioner, being the divorced daughter of the deceased teacher, is praying family pension.

The learned advocate for the respondent no. 7 herein, wrongly described as respondent no. 9, submits that his client is the other daughter of the deceased teacher; she has no objection if the petitioner gets the family pension.

Learned advocate for the State submits that the District Inspector of Schools, (P.E.), Purba Bardhaman, the respondent no. 5 herein, is objecting to the prayer of the petitioner on the ground that the marriage of the petitioner was dissolved subsequent to the retirement and death of the concerned teacher.

The entitlement of the daughter of a deceased teacher, whose marriage has been dissolved by a decree of divorce has been recognized by the special Bench of this Court in the case of ***State of West Bengal & Ors. Vs. Sabita Roy*** (MAT 1518 of 2019) without any qualification as to the time when such decree of divorce was passed therefore the objection of the respondent no. 4 in this regard is not sustainable.

The said respondent is therefore directed to prepare the pension papers of the petitioner and to take forward steps for issuance of pension payment order in accordance with law.

W.P.A. 3088 of 2025 is disposed of with the above terms without any order as to costs.

No affidavit since has been invited, the allegations contained in the writ petition are deemed to have been denied by the respondents.

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 with all requisite formalities.

(Biswajit Basu, J.)