

**HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 4122 of 2025

Kabita Mukherjee
Vs.
The State of West Bengal & Ors.

For the petitioner	:	Mr. Syed Arif Ahmed
For the State	:	Mr. Swapan Kr. Dutta Mr. Dipankar Dasgupta
For the Calcutta University	:	Mr. Nilotpall Chatterjee Mr. Satyaki Banerjee
Heard on	:	25.02.2025
Judgment on	:	25.02.2025

JAY SENGUPTA, J:

This is an application praying for direction upon the concerned authorities to consider the representation dated 11.02.2025 for providing copy of original acquaintance roll with the signature of the concerned employee and attested by the Principal and Bursar of the Ranaghat College.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the wife of an employee of the said Ranaghat College. The employee had retired from his service on 31.08.2008.

Thereafter, he passed away on 12th March, 2023. Earlier, pension was not granted to the employee as the tenure of employment was less than ten years. However, by an order dated 08.03.2016 passed by a Co-ordinate Bench of this Court in WP 1029(W) of 2016, this Court directed authorities to take into consideration the period of service undergone by the employee. Although, the period of service was less than ten years, the authorities were pleased to grant pensionary benefits to the employee. However, pay fixation was not proper. The petitioner, thereafter, agitated this point before this Court. By an order dated 01.12.2017 passed in WPA 17060(W) of 2017, a Co-ordinate Bench of this Court did not entertain the writ petition by noting that the husband of the petitioner during his service period and, for that matter, during his lifetime, did not dispute the salary given to him and in the factual scenario after five years from the death of her husband, the petitioner could not agitated the issue. This order was challenged by the petitioner. However, the appellate court by an order dated 26.04.2004 passed in MAT 152 of 2024 dismissed the appeal. According to the petitioner, this was because adequate documents were not available before the courts of law. Thus, the petitioner prayed for issuance of copies of certain documents regarding the service of the original employee, but the said representation has not even been considered by the respondent college.

Learned senior counsel appearing on behalf of the State submits that the issue of wrong pay fixation was not entertained by this Court. The petitioner only wants to bypass the order, which was affirmed by the

Division Bench, by praying for certain copies pertaining to service of her husband. This writ petition should be dismissed with costs.

Learned counsel appearing on behalf of the University denies the allegations and submits as follows. The issue of pay fixation has been finally decided by Single Bench of this Court by an order which was affirmed by the Division Bench. It has attained finality. Moreover, for obtaining copies of documents, the petitioner would have a remedy under the RTI Act.

First, for obtaining copies of documents if the same is permissible in law, it would be open to the petitioner to make an application under the RTI Act.

Secondly and more importantly, the whole issue of improper pay fixation of the petitioner has been decided by a Co-ordinate Bench of this Court and this order was affirmed by the Division Bench. The whole purpose of obtaining the copies of documents regarding service of the petitioner pertains to the alleged issue of improper pay fixation. Therefore, the same ought not be entertained by this Court.

In view of the above discussions, I find no merit in this application.

Accordingly, the same is dismissed.

However, there shall be no order as to costs.

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this judgment may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)