

W.P.A. 4594 of 2025

**Shaswati Gantait Maity
Vs.
The State of West Bengal & Ors.**

Mr. Sabyasachi Mondal
Mr. A.S. Fazlul Karim
Ms. Payel Khanra
...for the Petitioner

Mr. Tarun Kumar Ghosh
Mr. Tarak Nath Sarkar
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Petitioner claiming to be the widow daughter of a retired deceased teacher, *inter alia*, has prayed for release of family pension since father of the petitioner was an assistant teacher in a secondary school retired on superannuation on 31st August, 1996 and died on 25th January, 2023. It is also submitted that mother predeceased petitioner's father on 20th March, 2013. A death certificate is annexed to this writ petition which is at page 16 wherefrom it appears that husband of the petitioner died on 15th November, 2021. Petitioner has also annexed 'Legal Heir Certificate' dated 1st December, 2023 issued by the District Magistrate and Collector, Purba Medinipur.

According to the petitioner since other heirs of the deceased teacher are not entitled to receive family pension there is no requirement to submit 'no objection' from other legal heirs as sought for by the District Inspector of Schools (SE) Purba Medinipur vide memo dated 7th January, 2025. In this regard memo dated 13th April, 2010 being no.96-SE(B)/IM-112/2008 issued by the Joint Secretary, School Education Department is relied upon. Therefore, it is contended on behalf of the petitioner that submission of 'no objection' from other legal heirs is not necessary.

State respondents are represented by learned advocate who has submitted that one memo dated 7th January, 2025 was issued by the District Inspector of Schools (SE) Purba Medinipur being respondent no. 6 whereby headmaster of the school where father of the petitioner was teacher was requested to submit 'no objection certificate' in the form of affidavit which is to be affirmed by all the legal heirs for releasing family pension in favour of the petitioner.

Having considered the respective submissions made on behalf of the parties and on perusal of the relevant documents available on record it appears that father of the petitioner

retired on 31st August, 1996 on superannuation and who was receiving pension till his death on 25th January, 2023. Mother predeceased father. Husband of the petitioner died on 15th November, 2021. Therefore, petitioner is entitled to receive family pension being widow daughter of deceased retired teacher.

A 'Legal Heir Certificate' has already been issued by the District Magistrate and Collector, Purba Medinipur dated 1st December, 2023 wherefrom it appears apart from petitioner there are two married daughters and two sons who are also the legal heirs of the retired deceased teacher. However, from the 'Legal Heir Certificate' it does appear that apart from petitioner no other heirs are entitled to receive family pension since other two daughters are married and mother predeceased father. In addition thereto, aforesaid memo dated 13th April, 2010 does not prescribe submission of 'Legal Heir Certificate' in processing family pension case in favour of widow daughter of a deceased teacher.

In view of aforesaid consideration Court directs the District Inspector of Schools (SE) Purba Medinipur being respondent no. 6 to settle family pension case of the petitioner by 4 (four) weeks from the date of communication of this

order and forward the same to the Director of Pension, Provident Fund and Group Insurance being respondent no. 3 by 7 (seven) days thereafter. On receipt of relevant documents relating to family pension case of the petitioner respondent no. 3 shall issue Pension Payment Order by fortnight thereafter.

Family pension shall be released in favour of the petitioner as expeditiously as possible but not later than 8 (eight) weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)