

W.P.A. 8503 OF 2025

Tinu Sahoo
Vs.
The State of West Bengal & Others

Mr. Arup Kumar Sahoo. Adv.

...for the Petitioner

Mr. Swapan Kumar Pal, Adv.

...for the State

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

Though writ petition has been instituted praying for release of family pension in favour of the petitioner since petitioner is claiming to be the only unmarried daughter of the deceased primary teacher but on perusal of the writ petition, it appears legal heir certificate issued by the competent authority has not been submitted before District Inspector of Schools (P.E.), Jhargram being respondent no.4. Legal heir certificate dated 20th February, 2025 issued by Pradhan of the concerned Gram Panchayat is annexed at page 16 of the writ petition but same ought not to be given any credence since it has not been issued by competent authority.

It is also submitted on behalf of the petitioner that a direction is required to be given upon the concerned District Magistrate for issuance of legal heir certificate in favour of the petitioner but to that extent no case is made out in the writ petition and no prayer is couched.

It needs to be recorded herein if issue relates to issuance of legal heir certificate by the competent authority, this Court does not have determination to decide the same.

Since prayer is made for release of family pension, Court has to consider whether necessary documents including legal heir certificate are submitted before respondent no.4 or not. It is not demonstrated today before this Court that necessary papers have been submitted including legal heir certificate before respondent no.4.

In view of aforesaid situation, no relief can be granted to the petitioner.

Hence, writ petition stands dismissed.

However, this order shall not preclude the petitioner to submit legal heir certificate and other relevant documents before respondent no.4 and in the event such documents are submitted before respondent no.4, respondent no.4 shall take steps, in accordance with law, for release of family pension in favour of the petitioner.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)