

21.02.2025
Item No.308
Monthly List February 2025
Court No.19
SK

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 10174 of 2024

Sova Mukherjee

-Vs-

The State of West Bengal & Ors.

Mr. Falguni Bandyopadhyay,
Mr. Jagadish Chandra Halder,
Ms. Riya Ballav

.....for the petitioner.

Mr. Gourav Das

....for the State.

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

In spite of service none appears on behalf of the State respondents; under such circumstances, this Court engage Mr. Gourav Das, a learned advocate in the State Roll, to represent the State; his engagement be regularized. A copy of the writ petition be served upon Mr. Das in course of this day.

The father of the petitioner was an Assistant Teacher of Netajinagar Vidyamandir, Jadavpur, under Kolkata Primary School Council, on attaining the age of superannuation the father of the petitioner had retired from his said service on March 31, 1978 and died on November 16, 1992. The mother of the petitioner also died on December 14, 2008.

The petitioner being the unmarried daughter of the said deceased teacher is now praying family pension.

A representation of the petitioner to the said effect is pending consideration before the District Inspector of Schools (Primary Education), Kolkata, the respondent no. 4 herein. The

said representation forms part of the writ petition being Annexure 'P-4'.

The right of an unmarried daughter of a deceased teacher to get the benefit of family pension has been recognized by the Special Bench of this Hon'ble Court in the case of ***State of West Bengal & Ors. Vs. Sabita Roy*** (MAT 1518 of 2019). The said decision has been affirmed by the Hon'ble Supreme Court in *Special Leave Petition (Civil) Diary No(s). 30809 of 2024*.

The respondent no. 4, therefore, is directed to consider and dispose of the said representation of the petitioner expeditiously, in accordance with law and in the event the petitioner is found to be otherwise eligible for such pension, the said respondent shall take forward steps for issuance of necessary Pension Payment Order.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

W.P.A. 10174 of 2024 is disposed of with the above terms and observations 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 with all requisite formalities.

(Biswajit Basu, J.)