

**Khodeja Bibi
Vs
The State of West Bengal & Ors.**

Ms. Sabita Khutia (Bhunya)
Mr. Krishna Pada Santra

... for the petitioner

Mr. Srikanta Paul

... for the State

Affidavit of service filed today be kept with the record.

The husband of the petitioner was a Madrasah School teacher who died in harness on 13.11.1999.

The State Government published a Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June, 2014 pursuant to which the teachers were given the option to join the GPF scheme upon refund of the employer's share of provident fund.

As the husband of the petitioner expired prior to the publication of the State Government's Order, he could not avail the said benefit. The petitioner, being a widow, intends to avail the benefit of the aforesaid Government Order.

The Court in similar circumstances, had permitted the widows of deceased teachers to exercise option in terms of the aforesaid Government Order.

Reliance has been placed on the order dated 6th

March, 2024 by a coordinate Bench in WPA 3480 of 2024 (Manjushri Mondal Versus The State of West Bengal & Ors.).

Reliance has also been placed on the order passed by the Hon'ble Division Bench on 24th August, 2023 in FMA 620 of 2018 with IA No. CAN 1 of 2017 (Old No.CAN 7452 of 2017) (State of West Bengal Ors. Vs. Sefali Jana & Ors.).

In line with the above decisions, the instant writ petition is disposed of by directing the District Inspector of Schools (SE), Hooghly, to process the application filed by the petitioner as expeditiously as possible.

The amount to be refunded by the petitioner shall be calculated and communicated to her within a period of two weeks from the date of communication of this order.

Upon the petitioner complying all formalities, including refund of deposit of employer's share of provident fund along with interest and additional interest as applicable, a fresh Pension Payment Order shall be issued in her favour within a month thereafter.

The family pension, with effect from the next date following the death of the employee, shall be released to the petitioner within two months from the date of issuance of the Pension Payment Order.

The writ petition being WPA 10737 of 2024 is accordingly disposed of.

There will be no order as to costs.

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

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)