

30.01.2025
Item No.23, DL
Court No.19
AJ.

**IN THE HIGH COURT AT CLACUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 14226 of 2024

Tapati Das

-Vs-

The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sreyasree Choudhury.
.....for the Petitioner.

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

None appears on behalf of the State
respondents in spite of service.

The father of the petitioner was an Assistant
Teacher of Kulari Chhayani Janapriya Vidyamandir,
24-Parganas (South), who, on attaining the age of
superannuation, had retired from his said service on
December 31, 1976 and had died on May 08, 1978;
on his death, his widow, the mother of the petitioner
was receiving family pension but she had also died
on January 29, 2020.

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

A representation of the petitioner dated
November 03, 2023 is pending consideration before
the District Inspector of School (Secondary
Education), 24-Parganas (South), the respondent no.
4 herein; the said representation forms part of the
writ petition being *Annexure 'P-3'*.

The right of an unmarried daughter of a deceased teacher to get the benefit 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. 14226 of 2024 is disposed of with the above terms and observations without any order as to costs.

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.)