

W.P.A. 15131 of 2025

Sukshari Kabiraj
Vs.
The State of West Bengal & Ors.

Md. Yusuf Ali
...for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Subrata Mukherjee
...for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner is wife of retired and deceased Group-D staff of a Government aided secondary school who superannuated on 31st December, 2009. Husband of the petitioner was approved as an organizing Group-D staff after school was recognized in 2000 and retired on 31st December, 2009. At the time of superannuation of husband of the petitioner period of service fell short of requisite qualifying service of 10 years by 2 months 11 days as a result whereof husband of the petitioner was not sanctioned pension. After death of husband of the petitioner on 1st October, 2024 by presenting this writ petition prayer is made for sanction of arrear pension as well as family pension on condoning shortfall in qualifying service which is less than six months.

- 3.State respondents are represented by Mr, Bhaskar Prasad Vaisya, learned Additional Government Pleader who submits issue needs to be decided by the concerned State authority if approach is made.
- 4.Similar issue was decided by the Hon'ble Division Bench on intra Court appeal being **MAT 1917 of 2019 (The State of West Bengal Vs. Rabindra Nath Ghosh)**. State authority is required to decide the claim of the petitioner for sanction of family pension in terms of ratio of **Rabindra Nath Ghosh** (supra).
- 5.Leave is granted to the petitioner to make representation to the Principal Secretary, School Education Department being respondent no. 1 by fortnight from date. If representation is made within the aforesaid time respondent no. 1 is directed to decide the claim of the petitioner seeking sanction of family pension condoning shortfall in qualifying service of the husband of the petitioner within a period of 8 (eight) weeks thereafter on granting opportunity of hearing to the petitioner or her representative.
- 6.Reasoned decision shall be taken by the respondent no. 1 and same shall be communicated to the petitioner.
- 7.At the time of taking decision respondent no. 1 shall follow the ratio of **Rabindra Nath Ghosh** (supra).
- 8.Writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)