

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 16846 OF 2025

RINA DEVI MALL

VS.

THE STATE OF WEST BENGAL & OTHERS

Mr. Arijit Dey, Adv.
Dr. Mukherjee, Adv.

...for the Petitioner

Mr. Saibal Acharyya, Adv.
Mr. Sankar Halder, Adv.

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Maternal grandmother of minor daughter of a deceased teacher has come up with the present writ petition for sanction of family pension in favour of her granddaughter, namely, Anusmirity Thapa. Mother of minor daughter *died-in-harness* on 1st June, 2015 and thereafter husband of the deceased teacher was in receipt of family pension. Subsequently, husband of the deceased teacher married again on 25th November, 2020 and by making applications addressed to the concerned State authority relinquished his claim on the family pension and prayed for sanction of family pension in favour of the minor daughter of the deceased teacher, who is presently staying with her grandmother, who is the petitioner in this writ petition.

3. Mr. Acharyya, learned advocate representing the State respondents submits that in terms of relevant rules minor daughter is entitled to receive family pension but there is need of presence of a guardian for processing the pension claim as well as disbursement of sum through a particular bank account.
4. Having considered the respective submissions made on behalf of the parties, District Inspector of Schools (S.E.), Howrah being respondent no.2 is directed to settle the family pension case of minor daughter of the deceased teacher on compliance of necessary formalities by six (6) weeks from the date of communication of this order. While processing the family pension case respondent no.2 shall be at liberty to appoint the petitioner being the maternal grandmother of minor daughter of the deceased teacher as her guardian.
5. On completing the necessary formalities family pension shall be released in favour of minor daughter of the deceased teacher within the aforesaid period of six (6) weeks by appointing the present petitioner as guardian of the minor daughter.
6. In settling family pension case in favour of the minor daughter husband of the deceased teacher as well as

the present petitioner shall co-operate with the respondent no.2.

7. With the above directions writ petition stands disposed of.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)