

WPA 20707 of 2018

**Kumari Anju Kundu
Vs.**

The State of West Bengal & Ors.

**Ms. Sabita Khutia (Bhunya),
Ms. Ria Bhunya.**

... for the petitioner

**Mr. Pinaki Dhole,
Mr. Avishek Prasad.**

... for the State

1. As per prayer by the writ petitioner, let the cause title of the case be corrected immediately.
2. The petitioner has challenged an order of the District Inspector of Schools, Primary Education, Burdwan dated February 28, 2017.
3. The subject matter of the writ petition deals with the question whether the family of the deceased teacher, who had retired prior to April 1, 1981, should be entitled for grant of family pension or not.
4. The said issue has been set at rest by dint of the Hon'ble Larger Bench's decision in MAT 1518 of 2019, vide judgment dated June 20, 2023, [***The State of West Bengal and Ors. Vs. Sabita Roy***] The Court has held that even in case of a teacher, who has retired prior to April 1, 1981, the scheme of family pension shall be allowed to the family of the said teacher, after his death. The law now having been well settled in the matter as above, the impugned order appears to be not in conformity thereof.
5. Hence the impugned order dated February 28, 2017 is set aside.

6. Let the present writ petition be disposed of by directing the respondent District Inspector of Schools, Primary Education, Burdwan to re-consider the petitioner's prayer for grant of family pension in the light of the law settled by this Court vide judgment dated June 20, 2023 as mentioned above.
7. In doing so, the said respondent, if so thinks fit and proper may allow opportunity of hearing to the writ petitioner and shall determine the prayer of the writ petitioner by dint of a reasoned order, positively within a period of three weeks from the date of communication of copy of this order.
8. Needless is to mention that in case of the said respondent finds the petitioner to be entitled for family pension, in the light of the judgment of this Court as mentioned above, necessary follow up steps should be taken up by the same, immediately thereafter.
9. Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
10. With the above observations and directions, the writ petition being No WPA 20707 of 2018 is disposed of, along with the pending applications, if any.
11. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)