

**Madhuri Bhuina
Vs
The State of West Bengal & Ors.**

Ms. Baisali Ghoshal

... for the petitioner

Mr. Subrata Guha Biswas

Ms. Piyali Dutta Sengupta

... for the State

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

The petitioner is the widow daughter of Late Bishnupada Pattanayak, who was an Assistant Teacher of Danda Belboni No.2 Special Primary School, District – Purba Medinipur. He retired and he died in 28.02.2002. The mother of the petitioner died on 31.01.2010. The pension payment order was issued on 12.02.2007. The petitioner applied for pension in terms of the Circular of the State No. 96 SE dated 13th April, 2010 which remain unconsidered.

The right of a widowed daughter to pension has been upheld by a Full Bench of this Court in M.A.T. No. 1518 of 2019 (The State of West Bengal & Ors. – Vs. – Sabita Roy).

Danda Belboni No.2 Special Primary School, District – Purba Medinipur shall therefore forward all the papers relating to the service of Late Bishnupada

Pattanayak to the District Inspector of Schools (S.E.) immediately.

In those circumstances, the concerned District Inspector of Schools (S.E.) shall consider the petitioner's representation which is appearing in the writ petition. For the said purpose, the petitioner shall file a representation afresh enclosing the details of the pension payment order of her late father and other documents prescribed in the said Circular within a period of fifteen days from date.

Upon receipt of the said representation, the concerned District Inspector of Schools (S.E.) shall dispose of the same with a reasoned order within a period of four weeks thereafter.

If the concerned District Inspector of Schools (S.E.) finds that the petitioner is entitled to get pension, the same shall be released to her as expeditiously as possible, preferably within a period of one month thereafter.

In this regard, the DPPG shall bear in mind the para 18-19 of the decisions of the Three Judges Bench of this Court in MAT 1518 of 2019 dated 20th June, 2023. An unmarried daughter of a person who retired before 1981 shall also come within the purview of the Circular dated 13th April, 2010.

The petitioner shall be entitled to receive all

arrears of family pension in terms of such Circular dated 13th April, 2010.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis

(Rajarshi Bharadwaj, J.)