

17<sup>th</sup> November, 2025  
(D/L No.07)  
Ct. No.4  
(SKB)

**W.P.S.T.195 of 2019**  
**With**  
**CAN 1 of 2022**

Singdha Das Mandal  
Versus  
The State of West Bengal and others

Mr. D. N. Ray, Id. Sr. Adv.,  
Ms. Munmun Tewary,  
Mrs. Sanchayita De,  
Ms. Madhubanti Mukherjee  
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,  
Mr. Somnath Naskar  
... for the State.

1. The affidavit of service filed in court today is taken on record.
2. Petitioner was the applicant before the West Bengal Administrative Tribunal (in short 'Tribunal') in O.A. No.438 of 2019. The present writ petition has been filed challenging the order dated 26.08.2019 passed in O.A. No.438 of 2019.
3. Heard the learned senior counsel for the petitioner and the learned AGP.
4. The petitioner claims to be legally married wife of the government servant, namely, Joy Das, who passed away long back. The petitioner also claims that a child was born out of wedlock between the present petitioner and Joy Das, since deceased.
5. The petitioner claims that first wife of Joy Das died on 04.10.2010 and that petitioner was in a living in relationship with Joy Das since 30.07.2009. Joy Das died while in service. He

left behind two children born from his first marriage. The petitioner raised a claim that she was married with Joy Das. Such claim was based on alleged registration of marriage dated 11.11.2011. The Certificate of Registration dated 11.11.2011 is Annexure 'P-1' to the writ petition.

6. The Chief Medical Officer of Health (in short 'CMOH') was considering the petitioner's claim for benefits of the retiral dues of Joy Das in terms of an order passed earlier in O.A. No.229 of 2018 filed by the present petitioner. The CMOH by his order dated 06.03.2019 found the claim of the petitioner unsustainable for the reason that the claim was based on a Registration of Marriage, allegedly, dated 11.11.2011 at a time when the present petitioner was married to one Mr. Ujjal Saha; and proceeding for dissolution of their marriage was pending in MAT Suit No.143 of 2012. The marriage was dissolved by an order dated 07.04.2016, i.e. nearly five years after the alleged date of registration of marriage (11.11.2011) claimed by the petitioner. The CMOH, therefore, found no basis or scope for the petitioner to claim the existence of a valid marital relationship with the deceased Joy Das during subsistence of her earlier marriage, so as to entitle her to make a claim for any pensionary dues of Joy Das.
7. In the present writ proceedings, a twofold submission has been made by the learned senior counsel in support of the writ petitioner's claim.
8. The first submission is that a child was born from the relationship between Joy Das and the

present petitioner and the child has been accepted as a beneficiary of the pensionary dues of the deceased Joy Das, by the CMOH by the impugned order dated 06.03.2019.

9. The second submission to buttress her claim for being a legally married wife, the petitioner, in present proceedings, is based on a wedding invitation card (Annexure 'P-4'). As per the invitation card, the marriage ceremony between the petitioner and Joy Das was to be held on 26.02.2016. It is submitted that the invitation card established the fact that a social marriage was solemnized on 20.06.2016, which the CMOH as well as the Tribunal had failed to consider.
10. To ascertain whether the card was earlier relied upon, we directed the petitioner to file a supplementary affidavit, which has been filed placing on record the O.A. filed before the Tribunal. From perusal of the same, we find that the petitioner did not rely upon the invitation card before the Tribunal. The writ petitioner has not relied upon the invitation card, even in the written claim/representation dated 03.02.2017, made by the petitioner. In that application also, there was no reference to any wedding invitation card or a claim that a social marriage was solemnized on 20.06.2016.
11. The invitation card is relied upon by the petitioner, for the first time in this proceeding. Prior thereto, the learned senior counsel is not in a position to show that it was relied upon before any authority. We, therefore, find that such claim was not raised either before the authority or before the Tribunal. Thus, there is no scope for contending that it was not considered either

by the authority or by the Tribunal and the decision of the authority and Tribunal cannot be said to be suffering from any infirmity.

12. We, therefore, are of the considered opinion that such document cannot be made the basis for raising a claim regarding existence of a marital status before this court exercising judicial review under Article 226 of the Constitution of India, that also contrary to a contemporaneous document being the Certificate of Registration of Marriage dated 11.11.2011, relied upon by the petitioner before the authority and Tribunal.

13. Insofar as the submission that since the son has been recognized as a beneficiary of the proportionate pensionary/retiral dues of the deceased Joy Das, the petitioner can be held to be a legally married wife either by the Tribunal or by the writ court, find no force in such submission. We reserve the petitioner's liberty to invoke the jurisdiction of a court/forum of competent jurisdiction where the petitioner may raise all such issues, which are left open for consideration.

14. Accordingly, the writ petition is dismissed.

15. The application being CAN 1 of 2022 is disposed of.

**(Madhuresh Prasad, J.)**

**(Prasenjit Biswas, J.)**