

03.01.2025
Item No.14,DL
Court No.19
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 30348 of 2024

Milani Das

-Vs-

The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Sreyasree Choudhury.
.....for the petitioner.

Mr. Sougata Mitra,
Mr. Santanu Sett.
....for the State.

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

The father of the petitioner was an Assistant
Teacher of Lalpur Maktab Primary School, Purba
Medinipur, who, on superannuation, had retired
from his said service on January 31, 1981 and
thereafter, had died on May 29, 1988; on his death,
his widow, the mother of the petitioner started
receiving family pension but she had also died on
January 06, 2015.

The petitioner, being the unmarried daughter
of the said deceased teacher is now praying family
pension; her representation dated September 03,
2024 to the said effect is pending consideration
before the District Inspector of School (Primary
Education), Purba Medinipur, the respondent no. 4
herein; the said representation forms part of the writ
petition being *Annexure 'P-3'*.

The right of an unmarried daughter of a
deceased teacher to get the benefit family pension

has been recognized by the decision of the Special Bench of this Hon'ble Court in the case of ***State of West Bengal & Ors. Vs. Sabita Roy*** (MAT 1518 of 2019). The said decision has been affirmed by the Hon'ble Supreme Court in *Special Leave Petition (Civil) Diary No(s). 30809 of 2024*.

The respondent no. 4, therefore, is directed to consider and dispose of the said representation of the petitioner expeditiously, in accordance with law and in the event the petitioner is found to be otherwise eligible for such pension, the said respondent shall take forward steps for issuance of necessary Pension Payment Order.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

W.P.A. 30348 of 2024 is disposed of with the above terms and observations without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)