

03.01.2025
Item No.15,DL
Court No.19
AJ.

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

W.P.A. 30357 of 2024

Chhaya Dey

-Vs-

The State of West Bengal & Ors.

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

Mr. Ranjan Saha,
Ms. Moumita Karmakar.
....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 Chakdwipa Primary School, Purba Medinipur, who had died in harness on April 17, 1980; on his death, his widow, the mother of the petitioner started receiving family pension but she had also died on November 10, 2014.

The petitioner, being the widowed daughter of the said deceased teacher is now praying family pension; her representation dated September 19, 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 a widow 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. 30357 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

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.)