

January 8, 2025
Sl. No.11
Court No.18
s.biswas

WPA 30639 of 2024

Santa Manna
vs.
The State of West Bengal and others

Mr. Sourav Mitra
Mr. Banshi Badan Maity
... for the petitioner
Mr. Mohan Kr. Sanyal
Ms. Amrita Tewari
... for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

The order dated 2nd November, 2023 issued by the District Inspector of Schools (S.E.), Hooghly is under challenge in the present writ petition, whereby the prayer of the petitioner being unmarried daughter of a Group D staff in Government aided school has been spurned by the District Inspector of Schools (S.E.), Hooghly, on a finding that annual income of the petitioner is higher than admissible limit prescribed for settlement of family pension in favour of the unmarried daughter.

At first blast it transpires that impugned order dated 2nd November, 2023 of the concerned District Inspector of Schools (S.E.) is cryptic order devoid of cogent reasons. Furthermore, it has been brought to the notice of the court by the learned advocate representing the petitioner that previously vide circular dated 13th April, 2010, the income limit of the applicant was fixed at Rs.3500/- per month

which could make the applicant eligible to receive family pension being unmarried daughter of an approved staff of a secondary school. Subsequently, by Government circular dated 8th September, 2021 ceiling of monthly income has been enhanced from Rs.3500/- to Rs.9000/-. It is also found from a document at page 34 of the writ petition that the Block Development Officer, Panduah, Hooghly had issued an income certificate dated 13th February, 2023 whereby it has been declared that the family income of the applicant is Rs.48000/- in a year, which goes to show that family income of the applicant is Rs.4000/- per month which is within the enhanced ceiling limit as prescribed by the Government circular dated 8th September, 2021.

Since the aforesaid issue of enhancement of ceiling of monthly income is introduced vide circular dated 8th September, 2021 has not been taken into consideration by the District Inspector of Schools (S.E.), Hooghly and in addition thereto the said impugned order dated 2nd November, 2023 is found to be bereft of cogent reasons, same stands set aside.

The District Inspector of Schools (S.E.), Hooghly being respondent no.5 is directed to revisit the issue and pass a reasoned order taking into account the circular dated 8th September, 2021 whereby the ceiling of income has been enhanced to Rs.9000/-

per month and the certificate dated 13th February, 2023 issued by the Block Development Officer, Panduah, Hooghly whereby it has been declared that the annual income of the petitioner is Rs.48000/-. Before passing final order, an opportunity of hearing shall be afforded to the petitioner and/or her representative. The aforesaid exercise shall be concluded by the respondent no.5 by eight weeks from the date of communication of this order and the reasoned order shall be communicated to the petitioner by one week thereafter.

If the petitioner is found to be eligible to receive family pension, consequential steps shall be taken by the concerned respondent authorities for settling the family pension case of the petitioner expeditiously.

The writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)