

22.01.2025.
PB
Sl. No.34.
Ct. No.25.

WPA 11003 of 2020

Smt. Kamala Roy
Vs.
The State of West Bengal & Ors.

Mr. Sagnik Bhattacharya.
... For the Petitioner.

Mr. B. P. Vaisya,
Mr. Suman Dey.
.....for the State.

The order of the District Inspector of Schools (PE), North 24 Parganas, is challenged in the present case.

The petitioner claims herself to be the wife of the deceased, who has died on June 26, 2016.

Record reveals that before the District Inspector of Schools (PE), North 24 Parganas, the petitioner has not been able to produce either the legal heir certificate or the marriage registration certificate, neither the income certificate nor the death certificate and PPO of the said deceased person. The only document she could refer to, was an order passed by the Magistrate in Case No.186 of 1990, thereby granting the petitioner maintenance under Section 125 of the Cr.P.C.

Allegedly, the school authority has not taken any steps for grant of family pension to the petitioner, as the nominee recorded in the service book of the said deceased person is one Santana Roy and not the petitioner.

According to the petitioner, therefore, necessary directions are required to be passed upon the respondent school authority as well as the State authority so that the petitioner being the wife of the said deceased person, be eligible and granted with the family pension, after the death of her husband.

Since the petitioner is not the nominee of the deceased person but someone else is and that she has not produced any requisite documents as a proof of being the legal heir and family member of the deceased person, before the respondent school, her cause of action in the present case, does not appear to be sustainable. The petitioner's claim should be based on cogent and sufficient documents, in absence of which the respondent authority cannot be mandated, in the manner as prayed for. Hence, the Court finds it proper to dismiss the present writ petition.

The writ petition being WPA 11003 of 2020 is dismissed.

Since no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not admitted by the respondents.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties, on compliance of all necessary formalities.

(Rai Chattopadhyay, J.)