

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

32 29.1.2025
Sc Ct. no. 2

WPA 248 OF 2025

Smt. Dhanabala Roy @ Dhanbala Roy

Vs.

The State of West Bengal & Ors.

Mr. Dipak Kumar Dutta
Mr. Gopal Sah
Mr. Ranjit Barman.

....For the Petitioner

Mr. Momenur Rahman
Ms. Pratusha Dutta Chowdhury.

....For the State

Affidavit-of-service, filed today in Court, is taken on record.

Mr. Dipak Kumar Dutta, learned Advocate appears for the petitioner.

Mr. Momenur Rahman, learned State Advocate with Ms. Pratusha Dutta Chowdhury appear for the State respondents.

The deceased husband of the petitioner was an Assistant Teacher who retired on **August 31, 1999**. The deceased teacher died on **August 8, 2014**, **Annexure-P1 at page 10** to the writ petition. After the retirement the deceased teacher married the petitioner. In support of such marriage, the petitioner has relied upon a document dated **February 24, 2015**,

Annexure-P5 at **page 14** to the writ petition, issued by the jurisdictional District Magistrate, Jalpaiguri. In the document with regard to receiving family pension on account of a deceased Member of the Legislative Assembly (MLA), as the said deceased was then, the petitioner's name had featured as wife and widow.

The petitioner submitted a representation dated **March 19, 2019, Annexure-P6 at page 16** to the respondent no.4, the same has not yet been disposed of.

Mr. Momenur Rahman, learned State Advocate submits a copy of report dated **January 24, 2025**, issued under the signature of the jurisdictional District Inspector of Schools, the same is taken on record.

From the report it appears that the issue is pending before the respondent no.4.

In view of the above, the respondent no.4 upon issuing a prior hearing notice to the petitioner and the respondent no.8 and after granting them an opportunity of hearing shall decide the issue in the light of the case made out in the writ petition by passing a reasoned order in accordance with law.

The petitioner shall serve a copy of today's order along with the writ petition upon the respondent no.4 forthwith.

The petitioner shall be entitled to participate in the hearing along with a duly authorized representative.

The entire exercise shall be carried out and completed by the respondent no.4 positively within a period of **six weeks** from the date of communication of this order along with a copy of the writ petition and the reasoned order shall be communicated to the petitioner and the respondent no.8 positively within a period of **one week** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points she wishes to urge by relying upon whatever records and documents she wishes to rely upon before the respondent no.5 but the same shall not travel beyond the case made out in the writ petition.

In the event the reasoned order goes in favour of the petitioner, the respondent no.8 and/or any other appropriate State authority shall give an immediate effect thereto but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioner if the

petitioner does not succeed to her contention before the respondent no.4.

It is made clear that the respondent no.4 upon being satisfied with all the relevant documents and records shall be free to take its own decision independently in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 248 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)