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NANDY

(DISPOSED OF)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 493 of 2026

**SUPARNA TALUKDAR SARKAR
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. K.M. Hossain, Advocate
Mr. Kazi Ardan Ali, Advocate
Mr. Mayukh Saha, Advocate
.....for the Petitioner
Mr. Joydeep Banerjee, Advocate
Mr. Raja Ram Banerjee, Advocate
.....for the State
Ms. Koyeli Bhattacharya, Advocate
.....for the WBBSE
Mr. Golam Mustafa, Advocate
.....for the School Headmaster

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner is the widow of the former Headmaster of Tarikullah Sarkar Higher Secondary School (H.S.). The former Headmaster, who had retired sometime in 2016, was charged with misappropriation of approximately ₹12 Lakhs, for which criminal proceeding had been initiated.
3. During the pendency of the proceedings, the pension payable to the Headmaster had been kept in abeyance and on an application by him to this Hon'ble Court, provisional pension was granted.
4. Unfortunately, during the pendency of the criminal proceedings, the said Headmaster expired. The petitioner, has thereafter, applied for the family pension as the widow of the said Headmaster.
5. The District Inspector of Schools by his letter of 13.11.2025 has requested the respondent no. 6 to hand over the requisite papers to the Pension Sanctioning Authority to ascertain the quantum of payment to be made to the petitioner on account of the Family Pension Scheme.

6. Mr. Mustafa, learned Advocate appearing for the School Authority, submits that the School is willing to forward such papers, subject to the caveat that the erstwhile Headmaster had indeed misappropriated a sum of ₹12 Lakhs and that certain papers regarding his pension were in his possession and not with the School, since the Headmaster of a School is the requisite competent authority to submit such papers regarding pension.
7. In view of the afore-stated, I direct the School Authority to forward all requisite papers regarding the pension of the erstwhile Headmaster to ascertain the family pension payable to the petitioner, as available with it, to the respondent no. 4 by 15.04.2026.
8. The Petitioner will also be at liberty to submit all requisite papers, if in her possession, with the respondent no. 4, by 15.04.2026.
9. The respondent no. 4 will, thereafter, consider all documents and decide whether the family pension is payable to the petitioner and also the quantum of such payment.
10. The respondent no. 4 will decide this issue keeping in mind the allegations of misappropriation.
11. However, the allegations *per se* will not be an impediment unless shown by the School Authorities that the allegations are indeed correct and are corroborated by sufficient evidence and proof of the matter.
12. It is imperative in the circumstances that the respondent no. 4 gives a hearing to the School Authorities and the Petitioner before reaching such decision.
13. The respondent no. 4 will be at liberty to call for a hearing within six weeks from 15.04.2026 and upon hearing both parties, will pass a reasoned order regarding the afore-stated two issues within 15.06.2026.

14. If any amount of pension is found payable to the petitioner the same shall be released within a period of four weeks from the date of passing of the order by the respondent no. 4.
15. In addition to the family pension, the respondent no. 4 shall also decide on the following issues in addition to the one stated hereinbefore:
- a) *Whether the husband of the petitioner is entitled to full pension and other retiral benefits (including Provident Fund and Gratuity) in terms of ROPA 2019;*
 - b) *Whether the husband of the petitioner is entitled to arrears of salaries during the period of suspension from 04.04.2015 till 30.11.2016.*
16. With these directions, **WPA 493 of 2026 is disposed of.**
No order as to costs.

(Reetobroto Kumar Mitra, J.)