

29.01.2026
7
sdas

WPA 740 of 2026

Rekha Rath
Vs.
The State of West Bengal & Ors.

Mr. Sayan De
Ms. Esha Acharya
Mr. Koustav Shome
Mr. Sayan Kanjilal
..... for the petitioner

Mr. Rabindra Nath Pal
Mr. Rabindra Nath Chakraborty
..... for the State

Ms. Tapati Samanta
..... for the respondent no. 3

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner's grievance is that the Memorandum dated July 30, 2018, issued by the authorities, is arbitrary and metes out an unequal treatment to the petitioner.
3. Learned Advocate appearing for the petitioner submits that similarly situated persons, in the School Education Department, have been granted family pension from the date of expiry of the employee, while the Memorandum dated July 30, 2018, makes payment of such family pension with prospective effect.
4. Ms. Samanta, learned Advocate appearing for the respondent no. 3, submits that the existing

Notification in 2009, which covered the petitioner's case in 2012, when her father expired, did not provide for a lifetime payment to the petitioner and set the benchmark parameter that she would be entitled to receive the family pension until she attained the age of 25 years. Thus, the Memorandum of July 30, 2018, had to be effected prospectively and not with a retrospective effect, which would tantamount to recalling and/or rescinding the existing applicable Memorandum for that particular period dated November 17, 2009.

5. The petitioner is also aggrieved that in spite of having raised such issues in her representation on October 31, 2025, before the respondent no. 5, the same were not considered and the petitioner has been receiving family pension only since 2018.
6. The petitioner prays that the representation of October 31, 2025, be considered in the light of the decisions of this Hon'ble Court pertaining to similarly situated persons in the School Education Department.
7. Respondent no. 5 is directed to consider the representation of the petitioner dated October 31, 2025, in the light of the decisions of this Hon'ble Court by February 20, 2026, upon adequate prior

notice of hearing to the petitioner and to pass a reasoned order.

8. I make it clear that I have not gone into the merits of the case and respondent no. 5 will be at liberty to deal with the matter in accordance with law.

9. With the aforestated directions, the writ petition is disposed of.

10. There shall, however, be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)