

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 840 of 2026

Debosree Roy
v.
The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)
Mr. Krishna Pada Santra
Ms. Ria Bhunya
... For the petitioner

Mr. Gausal Alam
Mr. Jahangir Hossain
... For the State

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

2. The husband of the petitioner was a secondary school teacher who died-in-harness on 29th April, 2011.

3. The State Government published the Government Order No. 749-SE(L)/55-56/13(Pt.V) on 13th June, 2014 pursuant to which the teachers had the option to join GPF scheme upon refund of the employer's share of provident fund.

4. As the husband of the petitioner expired prior to the publication of the State Government Order, accordingly, he could not avail the said benefit. The petitioner, being the widow, intends to avail the benefit of the aforesaid Government Order.

5. The Court in similar circumstances permitted the widows of the deceased teacher to exercise option in terms of the aforesaid Government Order.

6. Reliance has been placed on the order dated 6th March, 2024 by a Co-ordinate Bench in WPA 3480 of 2024 (Manjushri Mondal v. The State of West Bengal & Ors.).

7. Reliance has also been placed on the order passed by the Hon'ble Division Bench on 24th August, 2023 in FMA 620 of 2018 with IA No. CAN 1 of 2017 (Old No.CAN 7452 of 2017) (State of West Bengal & Ors. v. Shefali Jana & Ors.).

8. In line with the above decisions, the instant writ petition is disposed of by directing the District Inspector of Schools (Secondary Education), Uttar Dinajpur to process the application filed by the petitioner as expeditiously as possible.

9. The amount of money that is to be refunded by the petitioner shall be calculated and communicated to the petitioner within a period of two weeks from the date of communication of this order.

10. Upon the petitioner complying all formalities including refund of deposit of employer's share of provident fund along with interest and additional interest, afresh Pension Payment Order shall be issued in her favour within a month thereafter.

11. The family pension from the next date of death of the employee shall be released to the petitioner within two months from the date of issuance of the Pension Payment Order.

12. The writ petition stands disposed of.

13. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)