

11.03.2026
Sl. No.9
Ct. No.14
gd

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/1772/2026
MAHFUZUR RAHMAN
VS
STATE OF WEST BENGAL AND ORS.

Mr. Tirthankar Dhali
Mr. Parvej Alam
Ms. Priya Chowdhury
Mr. Mir Md. Minhaj

...for the Petitioner.

Ms. Bratati Roy Chowdhury
Mr. Arka Mondal

...for the State.

1. Affidavit of service filed by the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for direction upon the respondent authorities to process the pension file of the petitioner upon consideration of the representation dated 8th January, 2026.
3. The petitioner contends that he is an Assistant Teacher of Danga High Madrasah (H.S.) and is about to retire on 30th April, 2026. The petitioner has already submitted all requisite pension papers and form including his nomination, in favour of his younger son, for processing of pension and other retiral benefits in terms of the Pension Rules of Government of West Bengal before respondent no.3,

District Inspector of Schools (SE), South 24-Parganas and respondent no.4, Administrator, Danga High Madrasah (H.S.). The petitioner was previously married to one Sarina Begam in the year 1989 and has two sons, namely, Sakilur Rahman and Sajidur Rahman from the first marriage. Both the sons of the petitioner are major. The first wife of the petitioner expired on 22nd April, 2021. Upon demise of the first wife, the petitioner again married one Salma Khatun, respondent no.7. Subsequently the petitioner came to learn that his wife, Salma Khatun has not obtained a valid divorce from her earlier husband prior to marrying him. Marital dispute and discords cropped up between the petitioner and his alleged wife, respondent no.7 and criminal case was initiated against the petitioner under 498A/406 of the Indian Penal Code. A maintenance proceeding is also pending before the Court of the Additional Chief Judicial Magistrate at Barasat. On 8th January, 2026 the petitioner made a representation for processing of pension and other retiral benefits in normal course before the District Inspector of Schools (S.E.), South 24-Parganas as well as other authorities. However, the same is still pending consideration. Hence, this writ petition.

4. Mr. Tirthankar Dhali, learned Advocate appearing for the petitioner submits that although criminal cases are pending against the petitioner, but during his

service tenure he has neither been put under suspension nor any departmental proceedings have been initiated against him. As per the existing Rules, petitioner is entitled to pension and other retiral benefits. He seeks that the matter be relegated to the appropriate authority for consideration of the representation of the petitioner in accordance with law.

5. Ms. Bratati Roy Chowdhury, learned Advocate appearing for State submits that due to the pendency of the criminal proceedings the petitioner is not entitled to get pension. She seeks for dismissal of the writ petition. She files report furnished by District Inspector of Schools (SE), South 24-Parganas dated 9th February, 2026 which is taken on record.
6. It is found that the representation of the petitioner is still pending with the authority.
7. Accordingly, respondent no.3, District Inspector of Schools (SE), South 24-Parganas is directed to consider the representation of the petitioner dated 8th January, 2026 and dispose of the same in accordance with law, by passing a reasoned order, upon notice to the petitioner within a period of four weeks from the date of communication of this order.
8. Learned advocate for the petitioner is directed to communicate this order to the respondent no.3, District Inspector of Schools (SE), South 24-Parganas for necessary action.

9. With the above direction, the writ petition being **WPA 1772 of 2026** stands disposed of.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
15. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)