

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 1905 OF 2026

DIPANJAN CHATTERJEE

VS.

STATE OF WEST BENGAL AND OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner

:Mr. Devajyoti Barman, Adv.
Ms. Sanjukta Basu Mallick, Adv.

For the State respondents

:Mr. Jayanta Samanta, Adv.
Ms. Paromita Malakar (Dutta), Adv.

Hearing concluded on

: 12.02.2026

Judgment on

: 12.02.2026

SAUGATA BHATTACHARYYA, J.:

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) As Benches under West Bengal Administrative Tribunal are not available present writ petition is entertained on placing reliance on the judgment of this Court dated 13th January, 2026 delivered on a

writ petition being WPA 27327 of 2025 (Md. Masidul Islam Vs. The State of West Bengal & Ors.).

3) Uncle of the petitioner namely Bankim Chandra Chattopadhyay was an employee under the State Government who retired on superannuation on 28th February, 2001. Said retired employee was receiving pension and subsequently died on 14th January, 2015. It is submitted by the learned advocate representing the petitioner that his uncle executed a will on 1st November, 2014 thereby appointing the petitioner as executor. On placing reliance on relevant part of the will dated 1st November, 2014 it is also submitted that uncle of the petitioner bequeathed all claims which can be received by way of reimbursement from pending medical bills for treatment under West Bengal Health Scheme, 2008 to the petitioner.

4) On behalf of the petitioner notice of this Court has been drawn to the probate which is at page 88 of the writ petition signed by District Delegate of Baruipur on 28th September, 2018. It is contended in reference to memoranda dated 13th August, 2021 issued on behalf of the District Magistrate and Collector, Malda and 6th November, 2020 issued by the Deputy Secretary to the Government of West Bengal, Department of Land and Land Reforms and Refugee Relief and Rehabilitation that wife of the petitioner's uncle has no role to play as petitioner being legatee of the will dated 1st November, 2014 obtained probate from the competent authority.

5) Learned advocate representing State respondents has opposed this writ petition based on aforesaid two memoranda dated 13th

August, 2021 and 6th November, 2020 and it is submitted that presence of wife of deceased employee is needed to settle the claim relating to medical reimbursement.

6) It is true as it is found from the submissions made on behalf of the respective parties that wife of deceased employee being entitled to receive family pension in absence of probate certificate dated 28th September, 2018 would have been beneficiary to reimbursement of medical bills but right of wife of deceased employee stands negated on the strength of probate certificate dated 28th September, 2018 which was obtained in connection with the will executed by the uncle of the petitioner on 1st November, 2014. Therefore, requirement of considering claim of wife of deceased employee as it is highlighted in the two aforesaid memoranda dated 13th August, 2021 and 6th November, 2020 is not found to be correct stand of the State authorities.

7) Petitioner being executor and legatee of will obtained probate on 28th September, 2018 from the competent authority wherein reimbursement of medical bills relating to treatment of testator is one of the scheduled movable properties.

8) Hence, wife of the petitioner does not have claim over reimbursement of medical bills generated for treatment of her husband and petitioner is entitled to get reimbursement of pending medical bills lying in the name of Bankim Chandra Chattopadhyay (uncle) with the department under the relevant Health Scheme by virtue of said probate certificate dated 28th September, 2018.

9) In aforesaid conspectus, concerned State respondents are directed to make payment of medical bills to the petitioner in terms of relevant scheme at an early date but not later than two months from date of communication of this order.

10) Writ petition stands disposed of.

11) There shall be, however, no order as to costs.

12) Urgent photostat certified copy of this judgment and order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)