S/L 41
23.11.2026
Court No.24
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 7794 of 2021

Ishita Datta Roy
Vs.
The State of West Bengal & Ors.

Mr. Subrata Mukhopadhyay
Ms. Kakali Dutta
... for the Petitioner.

Mr. Biswajit Mukherjee
Ms. Oisani Mukherjee
... for the State.

Mr. Suhrid Sur
... for the Respondent Nos.4-5.

1. Affidavit-in-reply filed by the petitioner in Court today be kept with the records.

2. The petitioner claims to have contacted marriage with one Ranapriya Moulik on October 31, 2010. The marriage was registered under the provisions of the Special Marriage Act, 1954.

3. The husband of the petitioner was serving as a Lecturer in Dinabandhu Andrews College. He retired from service on January 31, 2005.

4. After the death of her husband, the petitioner intends to incorporate her name as spouse of the deceased lecturer and intends to avail the benefit of family pension.

5. Though the petitioner claims that a request for incorporation of her name as post retiral spouse was submitted before the authority in January 2021 but there is no document in support of such submission or statement of the petitioner.

6. Learned advocate for the petitioner relies on the order dated November 14, 2017 passed by a coordinate Bench of this Court in WP 21103 (W) of 2017 in the matter of Dr. Deba Prasad Mukhopadhyay & Anr. vs. The State of West Bengal & Ors.

7. In Dr. Deba Prasad Mukhopadhyay (supra), the issue as to whether post retiral spouse would be entitled to receive family pension was considered. The Hon'ble Supreme Court took note of the decision passed by the Hon'ble Supreme Court in the matter of Smt. Bhagwanti vs. Union of India reported in AIR 1989 SC 2088.

8. The Court also took note of the fact that the State Government employees are entitled to include the name of post retiral spouse in the service records but the employees in the college governed by the West Bengal Non-Government College Teachers (Death cum Retirement Benefit) Scheme, are not entitled to the same relief.

9. Prayer has been made to direct the respondent authority to incorporate the name of the petitioner as post retiral spouse of the deceased employee and grant the benefit of family pension to the petitioner.

10. Learned counsel representing the State respondents relies on the affidavit-in-opposition filed by the Assistant Director of the Higher Education Branch wherein the authority has denied receiving

any request from the petitioner for incorporating her name as post retiral spouse.

11. It has been mentioned that as per the scheme mentioned hereinabove, there is no provision for grant of death cum retirement benefit to any party who marries after retirement.

12. After perusing the documents annexed to the petition and upon hearing the parties, the Court is not convinced with the submission of the petitioner that a request for recording her name as post retiral spouse was at all filed.

13. In view of the above, the instant writ petition stands disposed of with the observation that it will be open for the petitioner to file appropriate prayer before the Director of Public Instruction with her request.

14. In the event any representation is made by the petitioner, the same shall be considered by the aforesaid respondent strictly in line with the law laid down by the Hon'ble Supreme Court in the matter of Smt. Bhagwanti (supra) as relied upon by the Court in the matter of Dr. Deba Prasad Mukhopadhyay (supra).

15. An opportunity of hearing shall be provided to the petitioner or her authorized representative prior to passing a final order.

16. A decision shall be taken by the respondent no.3 at the earliest but positively within a period of eight weeks from the date of receipt of the request.

17. If the prayer of the petitioner is allowed, then necessary consequential steps shall be taken by the authority including the college without any further delay.

18. Learned advocate representing the petitioner is directed to forward copy of all relevant judicial precedents relied upon by the petitioner at the time of filing of the representation.

19. The order passed by the DPI shall be communicated to all the parties.

20. The writ petition stands disposed of.

21. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

22. Certified server copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)