06.10.2026
Sl. No.62
Ct. No.14
ss

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 16913 of 2026

Sandhya Sahoo Giri @ Sandhya Giri
Versus
The State of West Bengal & Ors.

Mr. Sourav Mitra
Ms. Sreeyasree Choudhury
Ms. Jonaki Saha
...for the Petitioner.

Ms. Koushikee Banerjee
...for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.

2. By the present writ petition, the petitioner seeks direction upon the respondent authorities for grant of family pension including arrear family pension in her favour being the widowed daughter of the deceased employee.

3. The petitioner contends that her father Late Radha Krishna Sahoo was an Assistant Teacher of Uttar Basudebpur Free Primary School, P.O. Basudebpur, District Purba Medinipur, who retired from service on superannuation on 31st July, 1974 and expired on 7th December, 1991. After death of her father, the mother of the petitioner received the family pension and necessary pension payment order was issued on 16th October, 2012. The mother of the petitioner also expired on 15th May, 2008. The husband of the petitioner expired on 24th November, 2008. The petitioner being the widowed daughter of the

deceased employee submitted an application seeking for grant of family pension on 6th April, 2026. However, the same is pending consideration. Hence, this writ petition.

4. Mr. Sourav Mitra, learned Advocate appearing on behalf of the petitioner submits that the matter be relegated to the appropriate authority for taking a decision on the application of the petitioner. Relying on the decision of the Larger Bench passed in *The State of West Bengal & ors. –versus- Sabita Roy (in re : MAT 1518 of 2019)* he submits that the law is now well settled that the unmarried or widowed or divorced daughter of an employee who retired prior to 1st April, 1981 or after 1st April, 1981 is entitled to get family pension on fulfilment of the requirements of Memorandum No.96-SE dated 13th April, 2010.

5. Ms. Koushikee Banerjee, learned Advocate for State submits that the petitioner has been informed by the authority concerned to produce certain documents, however, since the same has not yet been produced, the application of the petitioner could not be considered. She files letter of the District Inspector of Schools (PE), Purba Medinipur, dated 6th November, 2025, which is taken on record.

6. In *Sabita Roy (supra)* the Larger Bench of this Court observed as follows :

> *"18. We have no hesitation in mind to hold that the unaltered or unaffected Memoranda as above clearly demonstrate in unequivocal terms that a teaching and non-teaching staff who retired prior to 1st April, 1981 or after 1 April. 1981 was entitled to get the pensionary benefits in terms of the DCRB Scheme, 1981. On the demise of such staff, their widows are entitled to get family pension in terms of the modified provision of the scheme 1981 vide memorandum dated 01.11.2010. The*

unmarried or widowed or divorced daughter of an employee who retired prior to 01.04.1981 or after 01.04.1981 is entitled to get family pension on fulfilment of the requirements as per the mechanism introduced vide Memorandum no. 96-SE dated (13.04.2010. In such legal scenario, we do not concur with the decision rendered in Bela Ran Acharya and Abida Khatun Sk. that an unmarried daughter is not entitled to get family pension till her life ends on the demise of her parent who either received pension or family pension. Though in the decision in MAT 119 of 2015 (Kumari Reba Ghosh-Vs-The State of West Bengal), the Division Bench had ruled that unmarried daughter of a pensioner would be entitled to get family pension, but this Bench neither referred to nor interpreted the relevant extension of family pension memoranda unmarried/widowed/divorced daughter. That being the position, we though concur with the final decision, but we respectfully disagree with the observations as recorded therein."

7. It manifest from the aforesaid proposition that a widowed, unmarried and divorced daughter of a deceased teacher retired prior to 1st April, 1981 was found entitled to family pension.

8. Considering the submissions advanced on behalf of the respective parties and bearing in mind the above proposition, the District Inspector of Schools (PE), Purba Medinipur, respondent no.4 is directed to consider the application submitted by the petitioner dated 6th April, 2026 seeking for grant of family pension in her favour and dispose of the same, in accordance with law, upon notice to the petitioner, within a period of eight weeks from the date of communication of this order subject to production of the documents as mentioned in letter under Memo No.466/P dated 6th November, 2025 issued by the District Inspector of Schools (PE), Purba Medinipur. In the event the petitioner is found entitled to family pension, all consequential steps be taken, in accordance with law.

9. The petitioner is directed to serve copy of this order to the respondent no.4, District Inspector of Schools (PE), Purba Medinipur, for necessary compliance.

10. With the aforesaid direction, the writ petition being **WPA 16913 of 2026** stands disposed of.

11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

12. Interim order, if any, stands vacated.

13. All connected applications, if any, stand disposed of.

14. There shall be no order as to costs.

15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. 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.)