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01.10.2026
Court No.24
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 17810 of 2026

Debjani Pahari
-versus
The State of West Bengal & Ors.

Mr. Goutam Kumar Maity
... For the petitioner

Ms. Smita Pal
Mr. Piyas Choudhury
... For the State

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

2. The petitioner claims pension on account of being the divorced daughter of a deceased employee of a school.

3. The District Inspector of Schools (SE), Purba Medinipur, vide communication dated 7th May, 2026, informed the school authority regarding the papers wanting for consideration of the petitioner's prayer for family pension of the divorced daughter of the deceased employee.

4. The documents wanting are (i) a certificate of stoppage of pension from the concerned treasury and (ii) no objection certificate in the form of an affidavit from the Judicial Magistrate as shown by all the legal heirs for payment of family pension to the applicant.

5. Specific case of the petitioner is that she is the only divorced daughter of the deceased employee

and there is no other claimant for issuance of family pension.

6. It appears that the District Inspector of Schools (SE), Purba Medinipur failed to notice the legal heirs' certificate dated 30th October, 2024 issued from the office of the District Magistrate & Collector, Purba Medinipur mentioning that the petitioner is the only divorcee daughter of the deceased.

7. The petitioner has annexed document from the Chairman of Contai Municipality signed on 20th November, 2024 mentioning that she is not a pension-holder of any Government sponsored scheme.

8. The petitioner claims to have been divorced in the year 1996. The order/decree of divorce passed by the Court would be necessary to ascertain the marital status of the petitioner.

9. As there is no other claimant for receiving family pension on account of being the divorced daughter of the deceased employee, the District Inspector of Schools would be obliged to consider the prayer of the petitioner for grant of family pension without insisting for production of 'no objection certificate' from the other legal heirs.

10. In view of the above, the instant writ petition stands disposed of by setting aside the communication made by the District Inspector of Schools to the Headmaster of the school seeking for 'no objection certificate' from the Judicial Magistrate by the other

legal heirs for payment of family pension to the petitioner.

11. The District Inspector of Schools (SE), Purba Medinipur shall take steps for consideration of the petitioner's prayer for grant of family pension to the divorced daughter in accordance with law at the earliest but positively within a period of eight weeks from the date of communication of this order.

12. If the prayer of the petitioner is allowed, then all necessary consequential steps for releasing the payment shall be taken by the District Inspector of Schools (SE) at the earliest.

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

(Amrita Sinha, J.)