

17.03.2026  
Sl. No.30  
Ct. No.14  
gd

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

WPA/16888/2025  
BINAPANI CHAKRABARTI  
VS  
THE STATE OF WEST BENGAL AND ORS.

Mr. Susanto Pal  
Mr. Debasis De  
Ms. Sanchayita De

...for the Petitioner.

Ms. Indrani Nandi

...for the State.

1. Exception filed by the petitioner to the report of respondent nos.5 and 6 is taken on record.
2. By the present writ petition, the petitioner seeks for consideration of her representation for grant of family pension and death-cum-retirement benefit of the deceased teacher, late Bhabanishankar Chakrabarti as per Government Notification.
3. The petitioner contends that her husband, late Bhabanishankar Chakrabarti was a Head Teacher of Khandarapara Primary School under Nayagram-I Circle, District-Paschim Medinipur (now Jhargram). The husband of the petitioner died in harness on 21<sup>st</sup> April, 1970, after rendering 16 years of service. On 17<sup>th</sup> June, 2025 the petitioner made an application before the District Inspector of Schools (P.E.), Paschim Medinipur for grant of family pension and release of

arrears. However, the same is still pending consideration. Hence, this writ petition.

4. Mr. Susanto Pal, learned Advocate for the petitioner submits that the petitioner being the widow of the deceased employee is entitled to family pension in terms of G.O. No.539-SE(P&B)/SL-SS-61/10(P 1) dated 1<sup>st</sup> November, 2010. He seeks that the matter be relegated to the authority for considering the representation of the petitioner for grant of family pension in favour of the petitioner as expeditiously as possible.
5. Ms. Indrani Nandi, learned Advocate for the State submits that the petitioner has failed to suffice before the authority concerned by producing relevant documents that her husband was a Head Teacher of a Primary School at the time of his death. As such, she is not entitled to get family pension.
6. The notification dated 1<sup>st</sup> November, 2010 provides as follows:
 

*“Hence, the extension of pensionary benefit to the employees or their widows to the above categories was under the active consideration of the State Government for sometime past. After considering the fact, as a social security measure, the Governor has been pleased to extend pensionary benefit under DCRB Scheme, 1981 to such windows of those employees who retired or died in harness prior to 01.04.1981, if the concerned employees rendered at least one year's approved qualifying service in the West Bengal Non-Government Aided Educational Institutions. The employees of such categories may also be brought under the purview of the DCRB Scheme, 1981. The financial benefit may be given with effect from 15.06.1990 or from the date of application for pension/family pension whichever is later. The category as mentioned under para-3(g) above also shall also come within the ambit of this order.”*
7. From the aforesaid notification, it is clear that pensionary benefit under DCRB Scheme, 1981 is extended to windows of those employees who retired

or died-in-harness prior to 1<sup>st</sup> April, 1981, if the concerned employee has rendered one year's approved qualifying service.

8. A Larger Bench of this Hon'ble Court in *The State of West Bengal and Others versus Sabita Roy (in MAT 1518 of 2019)* have considered such notification and 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 1<sup>st</sup> April, 1981 or after 1<sup>st</sup> 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. . . ."*

9. On 17<sup>th</sup> June, 2025 the petitioner being the widow of the deceased employee made a representation before the authority concerned for grant of family pension and release of arrears, which is pending consideration.
10. From the exception at page 19, it appears that the District Inspector of Schools (P.E.), Jhargram has written to the District Magistrate, Jhargram for issuance of legal heir certificate in respect of legal heirs of the deceased employee for settlement of family pension in her favour.
11. Accordingly, respondent no.5, District Inspector of Schools (P.E.), Jhargram is directed to consider the application of the petitioner dated 17<sup>th</sup> June, 2025 and dispose of the same in accordance with law, by passing a reasoned order, upon notice to the petitioner subject to production of relevant documents within a period of twelve weeks from the date of communication of this order.

12. Learned advocate for the petitioner is directed to communicate this order to the respondent no.5, District Inspector of Schools (P.E.), Jhargram for necessary action.
13. With the above direction, the writ petition being **WPA 16888 of 2025** stands disposed of.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. 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.)**