

09.02.2026
Sl. No. 26
Ct. No. 14
AN

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

WPA/18040/2025
MISS PRITI KANA HAZRA
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Manotosh Chakraborty
Mr. Sudhin Kr. Bhowmick

...for the Petitioner

Ms. Kakali Samajpati
Mr. Alok Banerjee

...for the State

1. On the prayer of learned advocate appearing for the petitioner, leave is granted to correct the date of death of the mother in the prayer (a) of the writ petition.
2. Affidavit of service filed on behalf of the petitioner is taken on record.
3. By the present writ petition the petitioner seeks direction upon the respondent authorities to sanction family pension in favour of the petitioner with effect from 21st June, 2013 as expeditiously as possible.
4. The petitioner contends that her father, namely, Jnanendra Nath Hazra, since deceased, was a Teacher of Akshay Sikshayatan of Howrah Sadar (East). The petitioner's father retired from service on superannuation on 31st May, 1978 without any pension sanctioned in his favour and only Rs. 500.00 was given to him on the date of his retirement. The father of the petitioner died leaving behind her

mother, three brothers and the petitioner as the legal heirs. The mother of the petitioner, namely, Angur Bala Hazra was sanctioned family pension after the demise of her father. The mother of the petitioner died on 21st June, 2013. The petitioner is the unmarried daughter of the deceased employee. On 8th September, 2017, the petitioner made a representation before the concerned authority for grant of family pension. Though the petitioner was called for hearing, however, the same is still pending consideration. Hence this writ petition.

5. Mr. Manotosh Chakraborty, learned advocate for the petitioner seeks for appropriate direction upon the respondent authorities to expeditiously consider the application of the petitioner dated 8th September, 2017 for grant of family pension.
6. Ms. Kakali Samajpati, learned advocate representing the State submits that the entitlement of the unmarried daughter to family pension is no more *res integra* and has been decided by the Special Bench in *The State of West Bengal & Others vs. Sabita Roy (MAT 1518 of 2019)* on 20th June, 2023.
7. From the contentions made in the writ petition, it transpires that the petitioner being the unmarried daughter has applied before respondent no. 4, the District Inspector of Schools (Primary Education), Howrah on 8th September, 2017 for grant of family pension in her favour.

8. In *Sabita Roy (supra)*, the Hon'ble Division Bench observed as follows:

*“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 1st 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 fulfillment 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 Rani 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 2014 (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 memoranda relating to extension of family pension to an 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.*

From the memoranda as above it is clearly explicit that the legislative intent was to extend the benefits of family pension to unmarried / widowed / divorced daughter of an employee who retired before or after 01.04.1981 or to unmarried / widowed / divorced daughter of a family pensioner. In such premise, the memorandum dated 1st November, 2010 should not stand in the way of extending such benefits in the absence of any express provision therein restricting or affecting the benefits. Socio-economic justice stemming from the concept of social morality, if pressed into service, the memoranda granting social security of livelihood to the aforesaid classes of women by providing family pension should be construed liberally. Some isolated terms in the memorandum dated 01.11.2010 providing pension to living employees or their widows, in our view, cannot restrict the beneficial provisions contained in the memoranda as above.”

9. In view of the above, respondent no. 4, the District Inspector of Schools (Primary Education), Howrah is directed to consider the application of the petitioner dated 8th September, 2017 and dispose of the same in

accordance with law upon notice to the petitioner by passing a reasoned order within a period of eight weeks from the date of communication of this order. Such reasoned order shall be communicated to the petitioner within a week from the date of passing of such order.

10. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no.4, the District Inspector of Schools (Primary Education), Howrah for necessary compliance.
11. With the aforesaid directions, the writ petition being **WPA 18040 of 2025** stands disposed of.
12. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
13. Consequently, connected applications, if any, stand disposed of.
14. Interim orders, if any, stand vacated.
15. There shall be no order as to costs.
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.)