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27.01.2026
Ct. No. 18
SB

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20416 of 2024

Dibakar Das
Vs.
The State of West Bengal & Ors.

Ms. Rama Halder
Ms. Eshita Mandal ... for the petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee ... for the State

Md. Manuwar Ali
Ms. Nandita Kundu ... for respondent no. 6

Ms. Bratati Dutta for respondent nos. 7 & 8

1. The matter relates to the change of nominee in the service records of the retired employee.
2. It appears that the respondent no. 6 Arati Maity (Das) was the erstwhile wife of the petitioner. The marriage between the parties stood dissolved by a decree of divorce granted by the learned District Judge, Alipur in Matrimonial Suit No. 335 of 1996 vide order dated 09.01.1987. The divorced wife of the petitioner is receiving regular maintenance from him.
3. The petitioner has since remarried and intends to incorporate the name of his present wife in his service records.
4. Learned advocate representing the school submits that the petitioner is unable to produce the original decree of divorce.
5. Learned advocate representing the divorced wife submits that decree of divorce was not drawn up by the petitioner at any point of time.

6. Upon hearing the submissions made on behalf of all the parties, it appears that, admittedly, an order dissolving the marriage was passed by the learned Court on 09.01.1987. The order of divorce passed by the learned District Judge was not challenged by either of the parties and the same has attained finality by now. The petitioner has remarried on 03.03.2019. The divorced wife of the petitioner is receiving regular maintenance. The marriage between the petitioner and the private respondent stood dissolved long back. The private respondent does not have any *locus* to interfere with the service matter of her divorced husband.
7. The school would be bound to accept the prayer of the petitioner to remove the name of his divorced wife Smt. Arati Maity (Das) from his service records.
8. On production of the original marriage certificate of the petitioner with Mangala Das, the present wife of the petitioner, the school shall take steps to incorporate the name of the present wife of the petitioner.
9. The school shall not insist upon the petitioner for production of the original decree and will act on the basis of the certified copy of the order dated 09.01.1987 and original marriage certificate of the petitioner with Mangala Das.
10. Steps shall be taken in the matter by the school authority at the earlier but positively within a period of four weeks from the date of production of the documents mentioned in the preceding paragraph of this order.
11. After rectification the updated service records of the petitioner shall be forwarded to the District Inspector of Schools for taking consequential steps at the earliest.

12. The writ petition stands disposed of.

13. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

14. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

(Amrita Sinha, J.)