

24.03.2026
Sl. No.5(DL)
Ct. No.14
srm

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

W.P.A. No. 20663 of 2025

Sri Suman Ghosh

Versus

The State of West Bengal & Ors.

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha

...for the Petitioner.

Mr. Bipin Ghosh,
Mr. Tanweer J. Mandal

...for the State.

1. Report filed by the State is taken on record. Copy served.
2. By the present writ petition, the petitioner seeks direction upon the respondent No.4, District Inspector of Schools (P.E.), North 24-Parganas to grant family pension in his favour and for withdrawal of the decision of the respondent No.4 dated 24th July, 2018 rejecting such prayer.
3. The petitioner contends that his father was a Head Teacher of Debalaya Hathkhola F.P. School under Berachampa Circle, District-North 24-Parganas, who died-in-harness on 2nd November, 2001 leaving behind his wife, the mother of the petitioner, one daughter and five sons as his legal heirs. Upon demise of the father, the mother of the petitioner, namely, Smt. Saraswati Ghosh was granted family pension, which she received until she died on 14th

January, 2018. Subsequent thereto, the petitioner made an application seeking for family pension on the ground of being differently-abled son of the deceased employee. Since the family pension was not granted, the petitioner filed a writ petition being WPA 4762 of 2018 which was disposed of on 15th May, 2018 directing the authority concerned to take a decision on the representation of the petitioner. As no decision was taken, the petitioner filed another writ petition being WPA 11468 of 2025. At the time of hearing of the said writ petition, it was submitted on behalf of the State respondent that on 24th July, 2018, the order has already been passed. Accordingly, the said writ petition was dismissed on 19th June, 2025. The claim of the petitioner was turned down by the respondent no.4 on the ground of non-production of document showing that his mother received pension prior to her death, legal heir certificate and updated physically challenged certificate. Being aggrieved by such order, the present writ petition is filed by the petitioner.

4. Mr. Chittapriya Ghosh, learned advocate appearing for the petitioner submits that the petitioner is a differently-abled son of the deceased employee having disablement of 40%. Necessary document of disablement as well as heirship was produced before the authority concerned. However, without any rhyme

and reason the prayer of the petitioner has been rejected.

5. Mr. Bipin Ghosh, learned Advocate along with Mr. Tanweer J. Mandal, learned Advocates for the State submits that the petitioner has not produced any updated disablement certificate which is required under the Rules. The petitioner has also not produced legal heirship certificate from the office of the District Magistrate, North 24-Parganas. The mother of the petitioner was the second wife of the deceased employee. The petitioner has not produced any “*no objection*” from the surviving legal heirs. Thus, the impugned order of respondent no.4 does not call for any interference.
6. Upon going through the records, it is found that admittedly the petitioner has produced his disablement certificate dated 28th August, 2001. Legal heirship certificate issued by the Berachampa-I Gram Panchayat has also been produced. The prayer for grant of family pension was turned down by the authority concerned, namely, the respondent No.4 on the following grounds:

“a) The petitioner was unable to submit any valid documents in favour of his claim of receiving family pension by his deceased mother late Smt. Swarasati Ghosh, claimed to be legal wife of Late Nirranjan Ghosh (No legal documents furnished).

b) The petitioner was unable to produce legal heirship(sic) certificate at the time of hearing.

c) The petitioner failed to produce updated physically challenged certificate at the date of hearing.”

7. So far as point No.(a) is concerned, it is not in dispute that Saraswati Ghosh was receiving family pension till her death. With regard to point No.(b), the same could have been verified from the authority concerned or from the office of the District Magistrate, North 24-Parganas. So far as point No.(c) is concerned, the respondent No.4 could have directed for medical examination of the petitioner by a medical Board prior to considering such prayer.
8. In view of the above, the impugned decision dated 24th July, 2018 is set aside.
9. The respondent No.4, the District Inspector of Schools (P.E.), North 24-Parganas is directed to take appropriate steps for medical examination of the petitioner before a Medical Board duly constituted for assessment of the disability of the petitioner and also call for legal heir certificate from the office of the District Magistrate, North 24-Parganas. Upon receipt of such documents, the District Inspector of Schools (P.E.), North 24-Parganas shall cause fresh enquiry upon notice to the petitioner as well as all legal heirs of the deceased employee and pass a reasoned order within a period of 12 weeks from the date of receipt of such documents.
10. The reasoned order shall be communicated to the petitioner within a week from the date of passing of such order.

11. Learned advocate for the petitioner is directed to communicate this order to the respondent No.4, District Inspector of Schools (P.E.), North 24-Parganas, for necessary compliance.
12. With the above direction, the writ petition being **WPA 20663 of 2025** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. 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.)