

S/L 16
02.01.2026
Court. No. 25
suvayan

WPA 20571 of 2025

Sukesh Ranjan Bera
Vs.
The State of West Bengal & Ors.

Mr. Uttam Kumar Bhattacharya
Mr. Kaustav Mishra

...for the petitioner.

Mr. Lalit Mohan Mahata, AGP
Mr. Rudranil De

...for the State.

1. The affidavit-of-service filed by the learned counsel for the petitioner be kept with the record.
2. The petitioner has filed the present writ application praying for a direction upon the respondent no. 2 for issuance of legal heir certificate to the petitioner being the only surviving brother of the deceased employee.
3. Learned counsel for the petitioner submits that the earlier round litigation, the petitioner has filed a writ application being WPA 14049 of 2024 and the said writ application was disposed of dated July 16, 2024 by passing the following order:

“The petitioner has already applied before the respondent authorities seeking the arrear pension on and from the next date of retirement of the teacher. The same is pending consideration before the respondents.

As it appears that the issue in question has already been decided by the Court, accordingly, the District Inspector of Schools (Primary Education) Paschim Medinipur is directed to process the claim for arrears of pension and forward the necessary recommendation to the

DPPG at the earliest. The DPPG shall take steps on the basis of such recommendation.

The documents relating to his heirship shall be forwarded by the petitioner to the aforesaid respondent to satisfy his claim regarding sole heir.

The DPPG and the concerned Treasury Officer is directed to verify the records, and in the event, it is found that the teacher exercised option and refunded the employer's share of contribution within the time specified in the notification dated 13th June, 2014, then steps shall be taken to issue revised Pension Payment Order in favour of the petitioner with effect from the date following the date of retirement on superannuation of the teacher and to release pension in accordance with the revised PPO. Steps shall be taken within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 5th April, 2024 to the aforesaid respondents at the time of communicating the order of the Court.”

4. After the order passed by this Court, the petitioner has applied for grant of legal heir certificate before the concerned authorities. The concerned authority has issued the legal heir certificate wherein it is mentioned that the deceased died living behind altogether 11 legal heirs.
5. The grievance of the petitioner in the present writ application that the authorities have issued the legal heir certificate dated July 16, 2025 without considering that the petitioner is only the sole surviving heir (brother of

the deceased) but have wrongly issued the legal heir certificate in the name of 11 persons.

6. Learned counsel appearing for the respondents submits that when the petitioner has applied for grant of legal heir certificate, a report has been called for and on receipt of the report it was found that the deceased died living behind his brother (the petitioner herein), brother's sons, sister's sons and daughters and accordingly altogether as on date 11 surviving legal heirs of the deceased are available.
7. This Court finds that the petitioner intend to get the debts pending in the name of the deceased. The authorities have issued the legal heir certificate in the name of the 11 persons but the petitioner is claiming that the petitioner is only the sole surviving heir of the deceased being the brother of the deceased as the deceased was unmarried.
8. If the petitioner intend to get the benefit of the deceased which was laying in the Education Department of State of West Bengal, the petitioner has to obtain the succession certificate from the concerned Court, not only by obtaining legal heir certificate from the authorities concern.
9. Accordingly, the writ petition is dismissed.
10. However, the dismissal of the writ petition will not prevent the petitioner to take appropriate steps for obtaining succession certificate before the appropriate court of law to get the debts pending in the name of the deceased in the Education Department of West Bengal.

11. However, there shall be no order as to costs.
12. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)