

7th Jan., 2026
Item no.M/L 695
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 22569 of 2022**

In the matter of :

Putul Bhattacharyya

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Kalyan Kumar Panda

....Advocate

For the State:

Mr. Pinaki Dhole

Mr. Avishek Prasad

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. The order of the Commissioner of School Education dated 1st February, 2022 rejecting the claim of the petitioner for grant of family pension, being the unmarried daughter of a teacher who retired prior to 1st April, 1981, is impugned in the instant writ petition.
3. Whether the unmarried daughter of deceased teachers who died prior to introduction of DCRB, 1981 will be entitled to receive family pension or not has been conclusively decided by the Hon'ble Special Bench of this Court on 20th June, 2023 in MAT 1518 of 2019 in the matter of ***The State of West Bengal & Ors. Vs. Sabita Roy*** wherein the Court clearly laid down that the benefit of family pension can be extended to unmarried daughter of an employee who died prior to coming into force of DCRB, 1981.

4. In view of the above, the impugned order cannot stand in the eye of law and is liable to be set aside. The impugned order is, accordingly, set aside.
5. The concerned District Inspector of Schools is directed to process the family pension file of the petitioner strictly in accordance with the directions passed by the Hon'ble Special Bench in the matter of Sabita Roy (supra) and ensure that family pension is disbursed in favour of the petitioner latest within a period of sixteen weeks from the date of communication of this order, however, subject to compliance of all necessary formalities.
6. The writ petition stands disposed of
7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)