

S/L 10
06.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 27399 of 2025

Archana Acharyya

Vs.

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)

Mr. Krishna Pada Santra

...for the Petitioner.

Mr. Mir Anureez-zaman

Mr. Somnath Mukhopadhyay

...for the State.

1. The petitioner's prayer for grant of family pension, being the unmarried daughter of a teacher who retired in the year 1978, is pending consideration for a considerable period of time.

2. After filing of the writ petition, a communication has been made by the Assistant Director, Pension, Provident Fund & Group Insurance on November 25, 2025 to the District Inspector of Schools (Secondary Education), Kolkata with a copy marked to the petitioner mentioning that, till date the department has not received any Government Order allowing the unmarried daughter of an employee of aided non-government educational institution, who retired or died-in-harness before April 1, 1981 to enjoy the benefit of family pension.

3. Learned advocate representing the State respondents submits, upon instruction that, in the absence of a Government Order the authority is not in a position to grant such benefit to the petitioner.

4. The issue as to whether unmarried daughter of employees of aided non-governmental educational institution who retired or died-in-harness prior to April 1, 1981 would be entitled to enjoy family pension has been conclusively decided by the Special Bench of this Court in the matter of **State of West Bengal and Ors. vs. Sabita Roy** on **20.06.2023 in MAT 1518 of 2019, IA CAN 2 of 2019 (Old No. CAN 10437 of 2019)** wherein the Court held that the benefit of family pension can be extended to the unmarried daughter.

5. The respondent authority ought to act in terms of the order passed by the Special Bench and not reject the claim of the heir of the deceased employee on the plea that no Government Order has been issued. Once the law is declared by the Court, the respondents are bound to act in accordance with the same and apply the same uniformly to a deserving applicant.

6. In view of the above, the instant writ petition stands disposed of by directing the District Inspector of Schools (Secondary Education), Kolkata to take immediate steps to process and forward the family pension file of the petitioner to the DPPG and ensure that the family pension is disbursed in favour of the petitioner positively by June 30, 2026.

7. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

8. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

9. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)