

20.01.2026
Sl. No. 18
Ct. No. 14
AN

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

WPA/28919/2025
ALPANA KANJILAL
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sourav Mitra
Mr. Arup Kumar Sahoo
...for the Petitioner

Mr. Pradip Kr. Mondal
Mr. Tapas Chatterjee
...for the State

Mr. Ranjan Saha
... for the DPSC,
Paschim Medinipur

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondents authorities, particularly, respondent no. 2, the Commissioner of School Education, West Bengal, respondent no. 4, the District Inspector of Schools (P.E.), Paschim Medinipur and respondent no. 6, the Chairman, Paschim Medinipur District Primary School Council to take appropriate steps for sanctioning of leave of 6407 days as well as family pension in favour of the petitioner in connection with the service of her late husband.

3. The petitioner contends that her husband, namely, late Murari Mohan Kanjilal was an Assistant Teacher in Barmanbirua Primary School under Sub-Inspector of Schools, Dantan South Circle in the district of Paschim Medinipur. The Petitioner's husband died on 10th June, 2009 after rendering 20 years of service satisfactorily. Prior to his death, the deceased employee was on unauthorised leave for 6407 days. The petitioner made a representation before the concerned authority for regularisation of the service of her husband by sanctioning of the unauthorised leave of 6407 days of her deceased husband. Since the same was not considered, the petitioner approached this Court by way of a writ petition being WPA 23056 of 2024 which was disposed of on 6th January, 2025 by passing the following order:

“The respondent no. 7 is directed to consider and dispose of the said representation as expeditiously as possible in accordance with law, and to communicate his decision to the respondent no. 4.

In the event it is found that the petitioner is entitled to family pension, as prayed for, the respondent no. 4 shall take forward steps for disbursement of the same, alongwith other retiral benefits of the said deceased teacher.”

4. Pursuant to such order, respondent no. 7, the Sub-Inspector of Schools, Dantan South Circle passed an order on 28th February, 2025 holding that it is not the appropriate authority to sanction leave of the absence of primary school teachers. Hence this writ petition.

5. Mr. Sourav Mitra, learned advocate for the petitioner submits that as per Rule 23 of the Death-cum-Retirement Benefit Scheme, 1981, family pension is admissible to the member of the family of an employee who dies while in service after rendering at least one year of service. The husband of the petitioner admittedly has rendered 20 years of service and as such the petitioner is entitled to family pension. However, he seeks that the matter be relegated to respondent no. 2, the Commissioner of School Education, West Bengal, and respondent no. 6, the Chairman, Paschim Medinipur District Primary School Council to take a decision as regards the regularization of the service of the deceased employee by condonation of the unauthorized leave of 6407 days of the deceased employee.
6. Mr. Ranjan Saha, learned advocate appearing for the respondent DPSC, Paschim Medinipur submits that respondent no. 7, the Sub-Inspector of Schools, Dantan South Circle is not the authority to sanction the leave of absence of the primary school teachers. However, the matter may be sent to the appropriate authority to take a decision in respect of unauthorized leave of 6407 days of the deceased employee.
7. It appears that pursuant to the order dated 6th January, 2025 passed in WPA 23056 of 2024, respondent no. 7, the Sub-Inspector of Schools,

Dantan South Circle passed an order on 28th February, 2025 holding that he has no authority to sanction the leave of absence of the primary school teachers.

8. Such being the position, the writ petition being **WPA 28919 of 2025** is disposed of directing respondent no. 7, the Sub-Inspector of Schools, Dantan South Circle to forward the representation of the petitioner alongwith the other papers before the appropriate authority viz. respondent no. 2, the Commissioner of School Education, West Bengal, and respondent no. 6, the Chairman, Paschim Medinipur District Primary School Council to consider such representation in accordance with law within a period of eight weeks from the date of communication of this order upon notice to the petitioner. In any event, the petitioner is found to be entitled to the family pension, consequential orders also be passed.
9. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
10. Interim order, if any, stands vacated.
11. There shall be no order as to costs.
12. 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.)