

13th Jan., 2026

Item no.D/L 08
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 29930 of 2024**

In the matter of :

Minu Das

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioners:

Mr. Sudipta Dasgupta

Mr. Sutirtha Nayek

....Advocates

For the State:

Mr. Md. Ziaur Rahaman

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. Instruction forwarded by the District Inspector of Schools, Secondary Education, Howrah signed on 2nd January, 2025 filed in Court today is taken on record.
3. The petitioner claims to be the unmarried daughter of a deceased school teacher who retired from service in the year 1975 and died on 20th July, 1984. She claims family pension.
4. Instruction forwarded by the District Inspector of Schools, Secondary Education, Howrah mentions that there is no government order permitting grant of family pension to unmarried daughters of teachers who retired prior to 1981.
5. Whether the unmarried daughter of a deceased teacher who died prior to introduction of DCRB Scheme, 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.

6. In view of the above, the impugned order not allowing family pension in favour of the petitioner cannot stand in the eye of law and is liable to be set aside. The impugned order is, accordingly, set aside.
7. The concerned District Inspector of Schools is directed to process the family pension file of the petitioner strictly in accordance with the direction 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.
8. The writ petition stands disposed of
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)