

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 29440 of 2025

Kamala Bera
-versus
The State of West Bengal & Ors.

Mr. Atreya Chakraborty
Mr. Pratap Sanfui
... For the Petitioner

Ms. Tapasi Palit Sinha
Mr. Monajit Chakraborti
... For the State

1. The petitioner seeks family pension. She is the widow daughter of the teacher who expired prior to coming into effect of the Death-cum-Retirement Benefit Scheme, 1981.

2. The petitioner applied for receiving family pension before the District Inspector of Schools (Secondary Education), South 24-Parganas in August, 2025. The same was replied by the District Inspector of Schools in September, 2025 seeking for necessary documents of the petitioner's deceased father from the Headmaster/Teacher-in-Charge of the subject school.

3. The Teacher-in-Charge by a communication in November, 2025 intimated the District Inspector of Schools that despite a thorough search, requisite documents of the deceased employee could not be traced in the school records.

4. Learned advocate for the petitioner refers to the pay slip for the month of December, 1968 dated 6th May, 2024 signed by the Teacher-in-Charge of the school and counter-signed by the Additional District Inspector of Schools (Secondary Education), Diamond Harbour Sub-Division. It has been submitted that the

school could not have issued the pay slip of her father in May, 2024 and thereafter in November, 2025 allege that papers are not traceable.

5. The right of the widowed daughter to receive family pension has been set at rest by the judgment passed by this Court on 20th June, 2023 in **MAT 1518 of 2019 (State of West Bengal & Ors. -vs- Sabita Roy)**.

6. The presence of the school and the District Inspector of Schools (Secondary Education), South 24-Parganas would be required for effective adjudication of the instant *lis*.

7. Let notice be served upon the school.

8. The District Inspector of Schools (Secondary Education), South 24-Parganas and the school authority both are directed to submit separate reports before this Court as regards availability of documents of Girish Chandra Das, the deceased teacher of the Mahirampur High School, Post Office – Mahirampur, District –South 24-Parganas.

9. Re-list the matter on 10th August, 2026.

10. Reports shall be prepared and circulated by 6th August, 2026.

11. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

(Amrita Sinha, J.)