
(2025) 10 CAL CK 1238
In the Calcutta High Court, Appellate Side
Case No : WPA 24380 Of 2025

Janaki Mishra

APPELLANT

Vs

State of West Bengal & Ors

RESPONDENT

Date of Decision : 16-10-2025

Acts Referred:

Citation : (2025) 10 CAL CK 1238

Hon'ble Judges : Smita Das De, J

Bench : Single Bench

Advocate : Sourav Mitra, Sudipta Maiti, Dipanjan Dutta

Final Decision : Rejected

Judgement

Smita Das De, J

1. Affidavit of service filed in Court is taken on record.
2. The husband of the petitioner was a Group-D Staff of a secondary school who retired from service on 31st March, 2001 and died on 4th February, 2008.
3. The State Government Published a Government Order No.749-SE(L)/55-56/13 (Pt. V) on 13th June, 2014 pursuant to which the teachers were given the option to join the GPF scheme upon refund of the employer's share of provident fund.
4. As the husband of the petitioner expired prior to the publication of the State Government's order, he could not avail the said benefit. The petitioner, being a widow, intends to avail the benefit of the aforesaid Government Order.
5. The Court in similar circumstances, had permitted the widows of deceased teachers to exercise option in terms of the aforesaid Government Order.
6. Reliance has been placed on the order dated 6th March, 2024 by a coordinate Bench in WPA 3480 of 2024 (Manjushri Mondal versus The State of West Bengal & Ors.)

7. Reliance has also been placed on the order passed by the Hon'ble Division Bench on 24th August, 2023 in FMA 620 of 2018 with IA No. CAN 1 of 2017 (Old No. CAN 7452 of 2017) (State of West Bengal & Ors. vs. Sefali Jana & Ors.)
8. In line with the above decisions, the instant writ petition is disposed of by directing the District Inspector of Schools (S.E) Paschim Medinipur to process the application filed by the petitioner as expeditiously as possible.
9. The amount to be refunded by the petitioner shall be calculated and communicated to her within a period of two weeks from the date of communication of this order.
10. Upon the petitioner complying all formalities, including refund of deposit of employer's share of provident fund along with interest and additional interest as applicable, a fresh Pension Payment Order shall be issued in her favour within a month thereafter.
11. The family pension, with effect from the next date following the date of retirement of the employee shall be released to the petitioner within two months from the date of issuance of the Pension Payment Order.
12. The writ petition being WPA 24380 of 2025 is accordingly disposed of.
13. There will be no order as to costs.
14. Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied.
15. All parties shall act in terms of the server copy of this order duly downloaded from the official website of this Court.