

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.712 of 2024

Smt. Satarupa Nama (Das),

Aged about 23 years,

W/o: Sujan Das,

D/o: Lt. Sushil Chandra Nama,

R/o: Chelagang, P.O. Chelagang,

P.S. Nutun Bazar, Karbook, Gomati, Tripura.

.....The Petitioner

- V e r s u s -

1. The State of Tripura,

To be represented by the Secretary, Department of Education,
Govt. of Tripura, New Secretariat Building, New Capital Complex,
Kunjaban, P.S. New Capital Complex, Agartala, West Tripura, PIN-
799010.

2. The Director,

Directorate of Elementary Education, Govt. of Tripura, Shiksha
Bhavan, Office lane, Agartala, Tripura, PIN- 799001.

3. The Secretary, Department of Finance,

Govt. of Tripura, New Secretariat Building, New Capital Complex,
Kunjaban, P.S. New Capital Complex, Agartala, West Tripura, PIN-
799010.

4. The Sub-Divisional Magistrate,

Karbook, Gomati, District, Tripura.

..... The Respondents

For the Petitioner(s)	:	Ms. Aradhita Debbarma, Advocate.
For the Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, G.A.
Date of hearing and delivery of Judgment & Order	:	15th May, 2025.
Whether fit for reporting	:	NO

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (Oral)

Heard Ms. Aradhita Debbarma, learned counsel appearing
for the petitioner and Mr. Kohinoor N. Bhattacharyya, learned G.A.
appearing for the State-respondents.

[2] The father of the petitioner, namely Sushil Chandra Nama,
was an Under Graduate Teacher serving at Karaichara, SRP SB School
and he died-in-harness on 01.06.2021. Thereafter, the petitioner

submitted her application on 07.10.2021, to the competent authority for compassionate appointment under the Die-in-Harness Scheme. According to her, she possesses the academic qualification of Higher Secondary (+2 Stage) passed and her date of birth is 15.01.2002. Ms. Debbarma, learned counsel, submits that at the time of death of the deceased, he left behind him his wife, Tapashi Mandal(Nama), the present petitioner and another daughter, Raktima Nama, who are the ultimate legal representatives of the deceased. As per the survival certificate (Annexure-2 to the writ petition), said Raktima Nama, was aged about 13 years as on 26.08.2021.

[3] Ms. Debbarma, learned counsel, submits that the application of the petitioner for such compassionate appointment was also accompanied by a No Objection Certificate (for short, 'NOC') issued by her mother. Thereafter, respondent No.2 forwarded the said application to the Sub-Divisional Magistrate, Karbook, Gomati, and after the SDM, Karbook submitted his report, again the matter was sent to him on 13.05.2024 (Annexure-8 to the writ petition), for causing necessary field enquiry asto whether the petitioner was married at the time of death of her father. Just before the same, one representation dated 06.05.2024 was also submitted by the petitioner to the respondent No.2, with a request to provide her appointment in a Group-C post without further delay. Getting no response, she then filed a writ petition bearing WP(C) No.386 of 2024. Said writ petition was disposed of on 27.06.2024, without making any observation on the merits of the case, with a direction to respondent No.2 to take a decision on the representation of the petitioner within 12 weeks.

[4] Ms. Debbarma, learned counsel also submits that thereafter, the Director of Elementary Education vide communication dated 26.09.2024, rejected the claim of the petitioner on the ground that her case was not covered by clause No.2.6 of the Scheme dated 02.03.2019. Challenging the same, the present writ petition has been filed.

[5] Mr. Bhattacharyya, learned G.A., seriously opposes the prayer of the petitioner, stating that the petitioner, being a married daughter, she is not entitled to get any such job. Moreso, a major daughter, as per the Scheme of 2019 or even as per the amended Scheme of 2022, is not entitled to the benefit of compassionate appointment.

[6] This Court has given due consideration to the submissions of both sides and has also perused the record. There is no dispute between the parties that the application of the petitioner was submitted on 07.10.2021, and the Scheme for compassionate appointment under Die-in-Harness policy as notified on 02.03.2019 is applicable in her case. Along with the counter affidavit submitted by the State-respondents, the final enquiry report of the SDM, Karbook dated 11.09.2024, is annexed as Annexure-C. Lt. Sushil Chandra Nama expired on 01.06.2021 and Smt. Satarupa Nama (Das), i.e., the petitioner, applied for government job under the Scheme on 07.10.2021. The SDM, Karbook in his second report has specifically stated that the petitioner was living with other members of the deceased government employee prior to the date of occurrence and she was not married at the time of her father's death and date of her marriage is 10.03.2022. The SDM finally proposed that the case of the petitioner may be considered as per Notification/Scheme issued by the Government on 02.03.2019.

[7] The relevant clause No.2.6 of the said Scheme of 2019 based on which the respondents regretted her petition is extracted hereunder:

"2.6. "Dependent family members(s)" shall cover the following:-

- (i) Wife or husband, as the case may be;**
- (ii) Legitimate children,**
- (iii) Legitimate step children,**
- (iv) Adopted children,**
- (v) Dependent daughter-in-law,**
- (vi) Dependent parents;**
- (vii) Dependent unmarried brother(s),**
- (viii) Dependent unmarried sister(s),**
- (ix) Dependent widowed daughter(s) and**
- (x) Dependent legally divorcee daughter(s).**

Provided that a married son or daughter-in-law or widowed daughter, if he or she lives or used to live separately from other members of the family on or before the date of occurrence shall not be considered as family member and at the same time he or she shall not be treated as earning member of the family of the government employee for the purpose of providing benefits under the Scheme only. Married daughter (s) under any circumstances shall not come under the purview of this Scheme."

[8] As per the said Scheme, a married daughter under any circumstances shall not come under the category of dependent family member. But there is no embargo to offer such compassionate appointment to an unmarried daughter. Now, if we go by enquiry report as relied on by both the parties, when the application was filed on 07.10.2021, as per the SDM, Karbook, she was unmarried and was given marriage only on 10.03.2022, and therefore, at the time of death of the deceased Government employee or even at the time of filing of the application for compassionate appointment, she was unmarried. Even the matter of entitlement of a married daughter of compassionate appointment under the Die-in-Harness Scheme has been dealt with by the Division Bench of this Court, in the case of ***The State of Tripura & others vs. Smt. Debashri Chakraborty, (WA No.80 of 2020)***, decided on 08.02.2022, along with some other identical writ appeals in the following terms:

"[26] The very object of die-in-harness scheme is to provide urgent relief to mitigate the hardships arising out of the death of the earning member of the family. Numerous situations can be contemplated where there may be none other than the married daughter to support the family of the deceased Government servant. Such a situation having arisen, object of the die-in-harness scheme to relieve the family of the deceased Government servant of emergent financial crisis by providing compassionate appointment to an eligible member would be frustrated if the married daughter, who is otherwise eligible for such appointment, is kept beyond the purview of the scheme only on the basis of her marital status. Marriage does not break the bond between a daughter and her parents as it does not do between a son and his parents. A crisis in the family of her parents equally worries a married daughter. As such, there is no rationale behind exclusion of a married daughter from the scheme. Therefore, a die-in-harness policy inasmuch as it operates as a disqualification in the case of married woman, as against a married man must be held to be discriminatory and such policy, tested on the touchstone of Articles 14 to 16 of the Constitution, cannot be held to valid. As a result, we find no merit in the appeals. Resultantly, the appeals stand dismissed.

[27] Appellants are directed to consider the applications for compassionate appointment received from the respondents afresh and dispose the same on merit within a period of 3(three) months from today."

[9] Therefore, in no way it was justified for the respondents to turn down the claim of the petitioner for compassionate appointment under Die-in-Harness Scheme on the ground that she was a married daughter. As per the clause No.2.6 of the Scheme dated 02.03.2019, any legitimate children is entitled to get such compassionate appointment. The claim of the petitioner for such compassionate appointment cannot be denied just because she has married later on.

[10] In view of the above discussions, the writ petition is allowed. The respondents are directed to consider the application of the petitioner for her compassionate appointment under Die-in-Harness Scheme, if there is no other valid reason for negating her claim on any other ground. The respondents shall dispose of the petition of the petitioner for such compassionate appointment within 12 weeks of the date of receipt of a copy of this order.

With such observations and directions, the writ petition is disposed of.

Pending application(s), if any, shall also stands disposed of.

JUDGE

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