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WPA 10040 of 2018
Jannatan Ferdous
vs
State of West Bengal and Others

Mr. Ekramul Bari,
Mrs. Tanuja Basak, ... For the petitioner.
Mr. Supriyo Chattopadhyay, ... For the state.

Heard learned advocates appearing for the parties.

The petitioner who is a divorcee and daughter of the deceased employee has filed this writ petition challenging the impugned order dated 18th March, 2018 being Annexure P-4 to the writ petition rejecting her claim for appointment on compassionate ground. It appears from the said impugned order that the claim of the petitioner has been rejected on the ground that the petitioner was married daughter of the deceased teacher and employment could not given to her.

Mr. Ekramul Bari, learned advocate appearing for the petitioner in support of his contention that the impugned order is bad in law in view of the law laid down by Full Bench decision of this High Court in case of ***The State of West Bengal & Ors –v- Purnima Das & Ors*** reported in **(2017) 4 CHN 362**. Mr. Bari relying on paragraph 118 of the said judgment, which has not been considered by the respondent authority at the time of passing the impugned order rejecting the claim of the petitioner.

Considering the submission of the petitioner, the aforesaid impugned order dated 8th March 2018 being Annexure P-4 to the writ petition is set aside with a direction upon the respondent No. 9/ The Assistant Secretary, The West Bengal School Service

Commission, Northern Region, Govt. Teacher's College Hostel (Ground Floor, Malanchapally Ward No. 03, English Bazar Municipality, to consider afresh claim of the petitioner and pass a reasoned and speaking order and in accordance with law after taking into consideration the aforesaid judgment of this Court in Purnima Das & Ors (Supra) within six weeks from the date of communication of this order and to communicate his decision to the petitioner within two weeks thereafter and while passing the order, opportunity of hearing to the petitioner or her authorized representative should be given.

WPA 10040 (W) of 2018 is disposed of.

(Md. Nizamuddin, J)