

10.12.2020

Item No.11
Court No.25
Avijit Mitra

W.P.A. No. 8273 of 2020 (Via Video Conference)

**In re: Priyanka Barik
- Versus -
State of West Bengal & Ors.**

Mr. Sudipta Dasgupta,
Mr. Bikram Banerjee,
Mr. Arka Nandi

For the Petitioner

Ms. Chaitali Bhattacharya,
Mr. Mrinal Kanti Ghosh

For the State respondents

Affidavit of service filed by the petitioner be kept on record.

The present writ petition has been preferred challenging *inter alia* an order dated 7th January, 2020 passed by the respondent no.4 by which the petitioner's claim for compassionate appointment has been rejected.

Mr. Dasgupta, learned advocate appearing for the petitioner submits that the petitioner's father died in harness on 20th April, 2017 while working as a teacher in a primary school. As the petitioner had appropriate qualification, she submitted a representation to the respondent no.6 on 17th January, 2018 claiming compassionate appointment in any Secondary or Higher Secondary school. The said representation was forwarded to the respondent

no.4, who rejected the petitioner's claim by an order on 7th January, 2020.

He submits that prior to issuance of the impugned order, no opportunity of hearing was granted to the petitioner. The petitioner's claim has been rejected simply on the ground that she is a married daughter of the deceased employee. In view of the judgment delivered in the case of State of West Bengal & ors. vs. Purnima Das & ors. [2017(4) CHN 362], the respondent no.4 could not have rejected the petitioner's claim on the said ground.

Ms. Bhattacharya, learned advocate appears for the State respondents.

A perusal of the impugned order reveals that the petitioner's claim has been rejected only upon putting a tick mark over a clause :

"According to G.O. no. 897-Edu (S), dt. 12.10.1992 your prayer for employment on compassionate ground has been rejected because you are married"

The impugned order suffers from total non-application of mind. The petitioner's claim cannot be rejected solely on the ground that she is a married daughter of the deceased employee in view of the judgment delivered in the case of Purnima Das (supra).

Accordingly, the impugned order dated 7th January, 2020 passed by the respondent no.4 is set

aside and the said respondent no.4 is directed to consider the petitioner's claim for compassionate appointment afresh, upon granting an opportunity of hearing to the petitioner and to take a final decision, in accordance with law and to communicate the same to the petitioner within a period of six weeks from the date of communication of this order along with the copy of the writ petition.

Needles to observe, in the event the petitioner's claim deserves acceptance, necessary follow up steps shall be taken by all the respondents forthwith.

It is made clear that the petitioner's claim cannot be rejected only on the ground that she is a married daughter of the deceased employee.

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

There shall however be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Tapabrata Chakraborty, J.)