

WPA 8303 of 2020

Jagadish Debnath

Vs.

The State of West Bengal & Ors.

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Mr. Victor Chatterjee
... For the Petitioner

Ms. Susmita Saha
... For the State

Ms. Sutapa Sanyal
Mr. Debrup Bhattacharjee
Mr. Pradeep Kumar Tulsyan
... For the Respondent no. 4

The petitioner seeks appointment on compassionate ground. His prayer stood rejected by the order dated 9th January, 2020 passed by the Chief Executive Officer, West Bengal State Agricultural Marketing Board. The ground for rejection of the petitioner's candidature is that he did not attain the minimum age for appointment within six months from the date of death of the deceased employee, as per Government norms.

The father of the petitioner died-in-harness on 6th June, 2001. The employee had two wives. One of his wives made a prayer for compassionate appointment of her son on 4th October, 2001. In the application the age of the son was mentioned as fifteen years.

Later the petitioner made a fresh application for appointment on compassionate ground in 2008. The application of the petitioner stood rejected on the ground of his being under aged at the time of death of his father.

The petitioner thereafter filed a writ petition before this Court and pursuant to the direction

of this Court his prayer for compassionate appointment was reconsidered and rejected once again on the ground of his being under aged on the date of making the application. The petitioner is aggrieved by the same.

It has been laid down by the Hon'ble Supreme Court in series of matters that appointment on compassionate ground are given under special circumstances and the same are exceptions to the general rule of appointment to a public post. Appointment on compassionate ground is primarily given to tide over the immediate financial crisis caused on the untimely death of the bread earner.

In the instant case, the employee concerned expired on 6th June, 2001. The petitioner was a minor at that point of time. The petitioner attained majority sometimes in 2004-2005. More than three years after attaining majority the petitioner arose from his slumber and made application for being appointed on compassionate ground.

Presently, in December 2020 there is hardly any immediacy of the need in the matter to allow the prayer of the petitioner for being appointed on compassionate ground. The immediate compassion that was required to be shown after the death of the bread earner no longer survives today.

It is settled law that appointment on compassionate ground cannot be claimed as a matter of right and there can be no reservation of vacancies for a minor candidate to attain majority for the purpose of providing appointment on compassionate ground.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition stands dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)