

10.12.2020
D/L No.17
Court No.25
s.biswas

WPA 8320 of 2020

Durga Paul
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Ms. Payel Som	 for the petitioner
Mr. Santanu Kr. Mitra	 for the H.S. Council
Mr. Pinaki Dhole	
Mr. Rajat Dutta	 for the State

The present writ petition has been preferred challenging the inaction on the part of the West Bengal Council of Higher Secondary Education (in short, the said Council) to consider the petitioner's claim for compassionate appointment.

Ms. Som, learned advocate appearing for the petitioner submits that the petitioner is the widow of Gouranga Chandra Paul, who died in harness on 10th August, 2016, while working in the post of Upper Division Clerk in the said Council. As the family was suffering from extreme financial distress due to loss of the sole bread earner, the petitioner submitted representations for grant of compassionate appointment on 23rd August, 2016 and 5th September, 2017 to the respondent no.3, but the same have not yet been disposed of.

She further submits that in similar circumstances compassionate appointment was granted by the Council to

two employees, as would be explicit from the resolution of the said Council dated 8th September, 2014.

Mr. Mitra, learned advocate appearing for the Council submits that the respondent no.3 is the competent authority to consider the petitioner's claim.

Mr. Dhole, learned advocate, appears for the State respondent.

No explanation is forthcoming as to why the petitioner's representations have been kept pending since the year 2016.

Upon hearing the learned advocates appearing for the respective parties, I am of the opinion that no useful purpose would be served in keeping the writ petition pending and the issue needs to be relegated to the respondent no.3.

Accordingly, the respondent no.3 is directed to consider the petitioner's representation dated 5th September, 2017, upon granting an opportunity of hearing to the petitioner and to take a 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.

Needless to observe in the event the petitioner's claim deserves acceptance, necessary follow up steps shall be taken by the concerned authorities forthwith.

With the above observation and direction, the writ petition is disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on completion of all necessary formalities.

(Tapabrata Chakraborty, J.)