

16.12.2020
Item No.04
Court No.25
Krishnendu

W.P.A. 8566 of 2020
(Via Video Conference)

In re: Saheli Mishra
- Versus –
The State of West Bengal & Ors.

Mr. Ziaul Haque
Mr. Indra Kant Jha
For the Petitioner

Mr. Malay Kumar Singh
Mr. Rajaram Banerjee
For the State

Mr. Haque, learned advocate appearing for the petitioner submits that the petitioner's father died-in-harness on 16th April, 2017 while working in a Group 'D' post at Chakraberia High School (in short, the said School). The petitioner thereafter submitted an application for grant of compassionate appointment. The same was forwarded by the respondent no. 5 to the respondent no. 2 vide memo dated 25th June, 2019 but the same has not been considered. The petitioner again submitted an application for compassionate appointment to the respondent no. 2 on 31st August, 2019.

No explanation is forthcoming as to why the petitioner's representation dated 31st August, 2019 has not yet been considered by the said respondent no. 2. However, Mr. Singh, learned advocate

appearing for the State respondents submits that the petitioner is a married daughter of the deceased employee.

In view of the judgment reported in **2019 (2) CHN 662**, the claim for compassionate appointment cannot be rejected solely on the ground that the applicant is a married daughter of the deceased.

Upon hearing the learned advocates appearing for the respective parties and upon considering the materials on record, I am of the opinion that the matter needs to be relegated to the respondent no. 2.

Accordingly, the respondent no. 2 is directed to consider the representation submitted by the petitioner on 31st August, 2019, as annexed at page 22 of the writ petition, 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.

The above exercise shall be completed by the said respondent no. 2 within a period of six weeks from the date of communication of this order

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 given to the learned advocates for the parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)