

OD-8

ORDER SHEET

WPO 406 of 2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

RIMPA GHOSH
Versus
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE TAPABRATA CHAKRABORTY

Date : 17th December, 2020.

(VIA VIDEO CONFERENCE)

Appearance:

Mr. Anjan Bhattacharya, Adv.

Mr. Bhaskar Prasad Vaisya, Adv.

Ms. Chaitali Bhattacharya, Adv.

Mr. Joydip Banerjee, Adv.

The Court : Affidavit of service filed by the petitioner is taken on record.

Mr. Bhattacharya, learned advocate appearing for the petitioner, prays for leave to implead the District Inspector of Schools (Secondary Education), Purba Bardhaman, Siksha Bhavan, Kachari Road, Court Compound, Purba Bardhaman, as a party respondent to the present writ petition.

Such prayer is considered and allowed.

As Mr. Vaisya, learned advocate appearing for the State respondents can also appear on behalf of the added respondent, fresh service of a copy of the writ petition upon the said respondent is dispensed with.

Office is directed to effect necessary correction in the cause title of the writ petition.

Record reveals that the petitioner approached this Court earlier claiming compassionate appointment. The said writ petition being WP No.388 of 2019 was disposed of by an order dated 22nd August, 2019 directing the respondent no.5 therein to consider the petitioner's claim. Pursuant thereto, the said respondent no.5 passed an order on 24th September, 2019 observing *inter alia* that the petitioner's claim cannot be considered in respect of a post of Primary Teacher, as she does not have the requisite qualification and that her application needs to be forwarded to the added respondent for consideration in respect of a non-teaching staff (Group-C) post of any secondary school.

Mr. Bhattacharya submits that subsequent thereto, the petitioner's claim was initially sent to the added respondent by a memo dated 15th January, 2020. By a memo dated 28th February, 2020 the petitioner was asked to furnish certain documents, as sought for by the added respondent. The petitioner duly forwarded the same. By a memo dated 21st July, 2020, the respondent no.5 forwarded all necessary documents to the added respondent. Thereafter, the respondents have maintained a deceptive silence and aggrieved thereby, the petitioner has approached this Court.

Upon hearing the learned advocates appearing for the respective parties and upon considering the materials on record, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue needs to be relegated to the added respondent.

Accordingly, this Court directs the added respondent, being the District Inspector of Schools (Secondary Education), Purba Bardhaman to consider all the documents pertaining to the petitioner's claim, as forwarded by the respondent no.5 *vide* memoranda dated 15th January, 2020 and 21st July, 2020 and to take a decision towards inclusion of the petitioner's name in the died-in-harness category roster, in accordance with law, upon granting an opportunity of hearing to the petitioner, within a period of six weeks from the date of communication of this order along with a copy of the writ petition.

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

With the above observations and directions, the writ petition is disposed of. There shall, however, be no order as to costs.

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

(TAPABRATA CHAKRABORTY, J.)