

08.09.2021
item No.3
n.b.
ct. no. 23

IN THE COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 2287 of 2021

Mithu Dai
-Vs-
The State of West Bengal & ors.

Mr. Md. Kutubuddin..... for the petitioner.

Mr. Pinaki Dhole,
Mr. Kakali Samajpathi..... for the State.

The petitioner is seeking appointment on compassionate ground. The petitioner's father while working with the Director of Sericulture, Bolpur died-in-harness on February 22, 2007. The petitioner had applied for compassionate appointment prior to February 27, 2007. The petitioner's application was forwarded by the Director of Sericulture(Tasar), Suri, district Birbhum to the Joint Director of Sericulture, West Zone, Bolpur, Birbhum on November 27, 2007. Nothing was done thereafter, with regard to the petitioner's application for compassionate appointment. Being aggrieved by such inaction on behalf of the respondents the petitioner has filed the instant writ petition on January 18, 2021.

Admittedly, the petitioner's father was an employee of the Government of West Bengal as such was in State employment. Any relief with regard to the compassionate appointment on the death-in-harness of the petitioner's father has to be claimed before the West Bengal Administrative Tribunal. This court lacks jurisdiction in entertaining the writ petition concerning the petitioner's prayer for compassionate appointment. The writ petition

is thus disposed of giving the petitioner liberty to apply before the appropriate forum. The time spent between the January 20, 2021 till September 8, 2021 shall be construed to have been spent in prosecuting a litigation in a court without jurisdiction.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)