

Abhijit Das
Versus
The State of West Bengal & Ors.

Mr. Suryasarathi Basu
...for the Petitioner.

Mr. Srijan Nayak,
Mr. Ankit Surekha,
Mr. Partha Sarathi Pal
...for the State.

The writ petitioner is aggrieved by the fact that the Ghoralia Samabay Krishi Unnayan Samity Limited has not paid heed to the order dated 13.09.2019 recommending his case for compassionate employment in place of his deceased brother Biswajit Das 24th August, 2020 who was employed in the Group 'C' Post in the said Society.

The petitioner is physically handicapped and had approached the State Commissioner for Persons with Disabilities in this regard. The State Commissioner for Persons with Disabilities inquired of the Deputy Registrar Cooperative Societies, Nadia Range as to the status of the petitioner's application. The Deputy Registrar Cooperative Societies recommended consideration of the petitioner's case for engagement in the society.

Learned counsel for the society however, submits

that the petitioner's qualifications are not commensurate to the post required in the service of SKUS.

It appears that the exercise required to be conducted by the society under the Rules for compassionate employment of the State has not been done as yet. It further appears that the term board of the society has expired on January 20, 2021.

In those circumstances, it is directed that after constitution of the new board, the exercise to assess the fulfillment of the conditions for compassionate employment shall be undertaken by the society strictly, in terms of the rules prescribed by the State Government. The said exercise should inter alia include determination as to whether the petitioner was dependent his deceased brother; the availability of the suitable post and also the financial condition of the society.

The order dated 24th August, 2020 passed by the DRCS Nadia Range is clearly outside the scope of Section 37(3) of the WBCS Act of 2006. The invocation of Section 37(3) to browbeat the society to engage the petitioner without ensuring compliance of the terms of the State Circular and without assessing the financial condition of the society is unacceptable.

It is submitted that the earlier board requested the said authorities to conduct election to constitute a new board which has not been done till date. It is expected that new board shall be constituted after the following due process of law within a period of four months from date. The petitioner shall serve a copy of this order on the

Co-operative Election Commission for necessary action.

With the aforesaid observation, the writ petition is disposed of.

There will be, however, no order as to costs.

(Rajasekhar Mantha, J.)