

S/L 8
19.03.2021
Court No.26
SD

WPA 5999 of 2021
(Via Video Conference)

Sheuli Roy Chowdhury (Banerjee)
Vs.
The State of West Bengal & Ors.

Ms. Mousumi Bhowal

...for the Petitioner.

Ms. Kakali Samajpaty

...for the State.

Mr. Kanak Kiran Bandyopadhyay

...for the WBCSSC.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated February 27, 2020 passed by the District Inspector of Schools (S.E.), Paschim Medinipur rejecting the prayer for compassionate appointment on the ground that the petitioner was a married daughter of the deceased employee.

In light of the judgment in ***Purnima Deb vs. State of West Bengal*** reported in **2017 (4) CHN (Cal) 362**, married daughter cannot be excluded simpliciter because of the fact of her marriage. The main point to be looked into that of dependency of the marriage daughter upon the deceased employee. Subsequently, Government has also come out with an amendment wherein married daughters are now included within the sphere of persons who get compassionate appointment. However, it is clear from the order passed by the District Inspector of Schools that he has

passed this order contrary to the rules in existence. Accordingly, this impugned order is quashed and set aside.

Counsel appearing on behalf of the State submits that this matter requires enquiry as 'No Objection' has been given by the mother and brother of the petitioner. She further submits that proper application has not been made in the present case. Accordingly, the authorities may direct the petitioner to make a proper application within a fixed time and upon such application being made, the authorities are directed to grant an opportunity of hearing to the petitioner and thereafter pass a reasoned order in this matter.

Counsel for the State also submits that this matter be referred to the Commissioner of School Education without a final adjudication.

Accordingly, the Commissioner of School Education being the respondent no.2 herein is directed to pass a reasoned order after granting an opportunity of hearing to the petitioner within a period of twelve weeks from date.

The petitioner is directed to cooperate with the authorities for providing any further documents that may be required.

With these above observations and directions, this writ petition stands disposed of.

Since, no affidavit-in-opposition has been called for the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

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

(Shekhar B. Saraf, J.)