

19.07.2021
SL No. 22
Court No. 24
(P.M.)

WPA 11493 of 2021

Ayan Sarkar
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Sakti Pada Jana,
Ms. Ujani Pal (Samanta)
... for the petitioner

Mr. Swapan Kumar Dutta, Sr. Adv
Mr. Pradyot Kumar Das
... for the State

The petitioner seeks compassionate appointment. His father was an employee of the Balurghat College. He died in harness on 6th May, 2009. The petitioner claims that his application for providing the compassionate appointment was filed immediately after the death of the employee and considering the said application the Teacher in-charge of the College selected the petitioner as a part time employee (non-teaching) for the college library on sympathetic grounds as in the case of died-in-harness. The appointment was temporary for book lending to the students during the time of day shift. The petitioner submits that he is serving the college since December, 2011.

The petitioner relies upon a communication made by the College to the Director of Public Instruction on 13th March, 2021 wherein the documents of the petitioner have been forwarded to the Director of Public Instruction for

approval of his engagement. The petitioner prays that necessary direction may be passed for consideration of his prayer for approval of engagement in the died-in-harness category.

The learned senior advocate representing the State respondents submits that there is no scheme pursuant to which the petitioner may be appointed in the died-in-harness category.

Controverting the submission made by the learned advocate for the State, the petitioner has relied upon an unreported order passed by a Co-ordinate Bench of this Court on 18th September, 2020 in W.P.A. 6800 of 2020 (Rakesh Kameth – vs – State of West Bengal & Ors.) wherein direction was passed for consideration of the prayer for appointment on compassionate ground in respect of a college employee affiliated under the Gour Banga University. The petitioner has also relied upon the reasoned order passed by the Director of Public Instruction on 2nd March, 2021 in compliance of the aforesaid order passed by the Court whereby the prayer of compassionate appointment to the heir of the deceased college employee has been allowed.

In view of the aforesaid submissions made on behalf of both the parties and relying upon the documents placed before this Court the instant writ petition is disposed of by directing the Director of Public Instruction being the respondent No. 2 herein to consider the prayer of the petitioner for approval of his engagement on compassionate

ground, strictly in accordance with the relevant rules/guidelines/schemes at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The college authority is directed to forward all the relevant documents including the original application made by the petitioner praying for compassionate appointment to the Director of Public Instruction immediately.

The petitioner is directed to communicate this order to the non-appearing respondent.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)