

03.08.2021
Sl. No.10
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 11481 of 2021

Mampi Bhattacharjee
Vs.
The State of West Bengal & Ors.

Mr. Saibal Acharya,
Mr. Rajib Kumar Acharya,
Mr. Banshi Badan Maity
....for the petitioner.

Mr. Tapan Kr. Mukherjee, AGP,
Mr. Shamim ul Bari
...for the State.

Affidavit of service filed in Court today is taken on record.

The petitioner is the daughter of Rajib Bhattacharjee who died-in-harness while working as a Khalasi of River Research Institute at Mohanpur, Haringhata, Nadia under Irrigation and Waterways Department, Government of West Bengal. The petitioner is seeking compassionate appointment. The petitioner has made several representations before the Director, River Research Institute in this regard, but such representations have remained unadhered to.

The respondents have taken a plea that the deceased father of the petitioner was a State Government employee and as such this Court has no

jurisdiction to receive, entertain and try this writ petition.

In response, it is submitted on behalf of the petitioner that her father was an employee of a State Government undertaking and not an employee of the State Government. The issue as to whether the petitioner's father was an employee of a State Government undertaking or an employee of the State Government can be more effectively gone into by the respondent no.2.

The Director, River Research Institute at Mohanpur, Haringhata, Nadia, being the respondent no.2 shall dispose of the petitioner's representations annexed to the writ petition after affording the petitioner a reasonable opportunity of hearing following the existing COVID-19 protocol by passing a reasoned order within a period of eight weeks from date. The said Director shall first decide whether the petitioner's father was a State Government employee or an employee of an undertaking of the State Government. After deciding this issue the said respondent no.2 shall consider the petitioner's application on merit if it is found that the petitioner's father was an employee of an undertaking of the State Government. If on consideration on merits the respondent no.2 finds that the petitioner is entitled to compassionate appointment in terms of the existing

policy of the concerned department/institution, shall register the petitioner's name and other details in the roster maintained for applicants being considered for compassionate appointment. In the event the Director finds on considering the petitioner's prayer on merit that the petitioner is not eligible, he shall in details give the reasons in his order.

Since the Director is already the respondent no.2 in the writ petition, no further notice shall be given to him. He shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

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 by the respondents.

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

(Arindam Mukherjee, J.)