

31.08.2021  
Item No.53  
Ct. No.17  
S.A.

**W.P.A. 11904 of 2021**

**Durga Paul**  
**-vs-**  
**The State of West Bengal & Ors.**

Mr. Sayan Chattopadhyay  
Mrs. Payel Shome  
Mr. Subhendu Dutta  
... For the petitioner

Mr. Pinaki Dhole  
Mr. Rajat Dutta  
...For the State

Mr. Santanu Kumar Mitra  
....for the W.B.C.H.S.E.

The grievance of the petitioner is that after death of her husband on 10.08.2016 she made immediately an application for death in harness appointment on 23.08.2016 which is at page 45. He submits that on 22<sup>nd</sup> February, 2021, in compliance with an order passed by this Court in WPA 8320 of 2020, the council passed one decision with reasons which is as follows :

“The Council has released the pension and other benefits to the family of the deceased with immediate effect. The Council has taken representation from the wife of the deceased and informed her about the stand of the Council in this regard.

The Council has sought for instruction from School Education Department in this regard. The decision of the Council in this regard depends upon the specific directive from the School Education Department.”

The petitioner further submits that the West Bengal council of Higher Secondary Education is an autonomous body and it does not require any instruction as to giving compassionate appointment from school education department. The petitioner has also drawn attention to a case of one Dip Sankar Chowbey who has been given death in harness appointment though his case is later than the petitioner. I have taken note of this appointment letter in page 44.

Learned advocate Mr. Mitra has submitted that the Council will revisit the matter and they will take a decision in this regard by four weeks from date. The matter is not disposed of. After four weeks this matter will appear in the list when the decision is taken by the Council in this writ petition and to be intimated to the court by a report in the form of affidavit.

The matter will appear in the list on 30<sup>th</sup> September, 2021.

I direct the Council to revisit the matter in terms of the rule etc. existing at the time when the petitioner's husband died in August, 2016.

**(Abhijit Gangopadhyay, J.)**