

Sl.no.22
15.11.2021.
Court. No. 19
sn

WPA 12479 of 2021

Ajanta Sarkar
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Md. Sarwar Jahan
Md. Asraful Huq
Mr. Maidul Islam Kayal for the Petitioner

Mr. Raja Saha
Mr. Samim Ul Bari ..for the State

This writ petition has been filed challenging an order dated April 6, 2021 passed by the Special Secretary to the Government of West Bengal, Panchayat & Rural Development Department rejecting the claim of the petitioner for compassionate appointment.

The ground for challenge is that the authority concerned did not disclose any reason while rejecting the prayer of the petitioner.

Mr. Saha, learned advocate for the State respondents submits that the petitioner did not fulfil the criteria as per Clause 3(d) of the relevant scheme followed by the State Government for compassionate appointment. The ground for rejection is that the petitioner did not fall within the definition of a 'dependant family member'. Mr. Saha further submits

that the petitioner has not been able to make out a case before this Court that the petitioner had satisfied the criteria required for appointment on compassionate ground.

It is true that the latest scheme governing the field would be applicable at the time of consideration of the case for compassionate appointment. However, the order impugned does not disclose why the petitioner did not fulfil the criteria as per Clause 3(d) of the scheme in the understanding of the authority and why the petitioner could not be considered as a dependant family member. Reliance has also been placed on several recommendations and decisions of this court, by the petitioner.

Having considered the rival contentions of the parties, this Court is of the opinion that the reason as to why the petitioner did not fulfil the definition of a 'dependant family member' has not been stated in the order impugned. Mr. Saha's contention that recommendation itself would not entitle the petitioner to be appointed, unless the petitioner satisfied the eligibility criteria, is accepted by the Court.

Under such circumstances, this writ petition is disposed of with a direction upon the Special Secretary to the Government of West Bengal, Panchayat & Rural Development Department, the respondent no.3, to

revisit the issue by granting an opportunity to the petitioner to produce documents before the authority in proof of her contention that she satisfied the criteria laid down under the latest scheme governing appointment under the died-in-harness category.

Upon hearing the petitioner a reasoned order shall be passed and communicated to the petitioner.

This order shall not be construed has any observation on the right of the petitioner to be appointed.

The order impugned dated April 6, 2021 is quashed and set aside only because the same did not disclose the basis of rejection of the case of the petitioner.

The entire exercise shall be completed within a period of eight weeks from the date of communication of this order.

The writ petition is disposed of.

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

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)