

18.08.2021
SL No. 48
Court No. 24
(P.M.)

WPA 12605 of 2021

Sri Bikash Kumar
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Partha Sarathi Bhattacharyya,
Ms. Salma Sultana,
Ms. Ankita Dey,
Mr. Raju Bhattacharyya
... for the petitioner
Mr. Sougata Mitra
... for the College authority
Mr. Swapan Kr. Datta,
Mr. Tapas Kr. Dey
.. for the State.

The father of the petitioner died in harness on 8th January, 2012. The petitioner applied for being appointed on compassionate ground in February, 2012. The college authority constituted an Enquiry Committee for assessing the financial condition of the petitioner. The three members of the Enquiry Committee unanimously decided in favour of the petitioner and recommended his appointment. The College forwarded the document of the petitioner before the Director of Public Instruction on 4th April, 2014. The petitioner prays for a direction upon the Director of Public Instruction to take a decision with regard to his prayer for being appointed on compassionate ground.

The learned advocate representing the College submits that all the documents of the petitioner have been

forwarded to the Director of Public Instruction in April, 2014.

The learned senior advocate representing the State respondent opposes the prayer of the petitioner. It has been submitted that the employee expired in the year 2012 and the petitioner approached this Court for the first time in the year 2021. The very purpose of providing compassionate appointment is to provide an immediate relief to the heirs of the deceased employee. The urgency that is involved in the matter has long ceased to exist.

I am at one with the submission made on behalf of the State respondent but as it appears that the application of the petitioner was recommended and forwarded by the College to the Director of Public Instruction way back in April, 2014, it was incumbent upon the said authority to intimate the petitioner the fate of his application. The same has not been done.

In view of the above, the instant writ petition is disposed of by directing the respondent No. 2 the Director of Public Instruction to take a decision with regard to the prayer of the petitioner for being appointed on compassionate ground, strictly in accordance with law, at the earliest, but positively within a period of eight 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 petitioner shall forward a copy of the recommendation of the College authority along with the recommendation of the Enquiry Committee at the time of communicating the order of the Court.

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

(Amrita Sinha, J.)