

08.11.2021
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Sl. No. 27
Ct. No. 05

WPA 15357 of 2021

[Via Video Conference]

Sumitra Adhikary
-Versus-
State of West Bengal & Ors.

Mr. Mahadeb Sarkar
Mr. Bikash Chowdhury

.... for the petitioner

Ms. Kakali Samajpati
Mr. Pinaki Dhole

.... for the State

Writ petitioner is the wife of the deceased non-teaching staff of a Government aided secondary school who died in harness on 19th July, 2019. Writ petitioner being the wife of the deceased non-teaching staff has prayed for appointment on compassionate ground in this writ petition on the strength of the fact that just after the death of her husband on 19th July, 2019. She made an application for appointment on compassionate ground addressed to the District Inspector of Schools(SE), Barasat, North 24 Parganas on 28th August, 2019. It also appears from page-22 of the writ petition that the managing committee of the school where petitioner's husband was working duly adopted resolution in its meeting dated 16th September, 2019 thereby appointment of the writ petitioner on compassionate ground was recommended. It has also been stated in the writ petition that all the relevant

papers relating to claim of the writ petitioner for appointment on compassionate ground were forwarded to the office of the District Inspector of Schools(SE), Barasat, North 24 Parganas, on 12th November, 2019 by the concerned school authority and subsequent thereto on 10th December, 2020 the District Inspector of Schools(SE) by issuing memo being No. 598/H requested the concerned school authority to submit other necessary papers for consideration of the claim of the writ petitioner. It has also been stated in paragraph 7 of the writ petition that pursuant to the memo dated 10th December, 2020 issued by the concerned District Inspector of Schools, the school authority submitted all the necessary papers before the office of the concerned District Inspector of Schools on 7th July, 2021. In view of these facts, writ petitioner prays for early disposal of the claim for appointment on compassionate ground. It has further been candidly submitted by the learned advocate representing the writ petitioner that one writ petition being WP No. 18203(w) of 2009 is pending which was filed by Dinesh Biswas, *inter alia*, challenging the preparation of panel by the school authority where petitioner's husband was working. It has further been submitted that petitioner got appointment in the year 2009 based on the panel which has been questioned in the said writ petition filed by Dinesh Biswas. The writ petition being WP No.

18203(w) of 2009 is still pending but it has been submitted that no restraint order has been passed on that writ petition save and except direction was given by this Court for exchange of affidavits.

Mr. Pinaki Dhole, learned advocate, appears on behalf of the State respondents and submits that though the papers relating to claim of the writ petitioner for appointment on compassionate ground have been submitted by the school authority but no decision could be taken.

Having considered the submissions of the rival parties to this writ petition, this Court directs the District Inspector of Schools(SE), Barasat, North 24 Parganas, respondent No. 3, to take decision on the claim of the writ petitioner for appointment on compassionate ground upon placing reliance on the application made by the writ petitioner as well as the papers forwarded by the concerned school authority to the office of the respondent No. 3 pursuant to the request made by the respondent No. 3 if no restraint order is subsisting in connection with the pending writ petition being WP No. 18203 (w) of 2009, within a period of 12 weeks from the date of communication of this order. Before taking such decision, the respondent No. 3 is directed to grant opportunity of hearing to the writ petitioner as well as the concerned school authority

and communicate the decision to be taken within a period of 2 weeks thereafter.

Affidavit-of-service filed in Court today be kept with the record.

With the above direction, the writ petition is disposed of.

Since no affidavit-in-opposition has been called for, the allegations contained in the writ petition are deemed not to have been admitted.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)