

Ct. 05
Item No.24
22.11.2021
(suvendu)

WPA 17069 of 2021

[Via Video Conference]

**Amar Nath Pakhira
Vs.
The State of West Bengal & Ors.**

Mr. Soumen Bhattacharya
.....for the petitioner

Mr. Pinaki Dhole
Mr. Avishek Prasad
.....for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

The case of the petitioner is for compassionate appointment. According to learned counsel for the petitioner, father of the petitioner died-in-harness on 17th August, 2013 and an Enquiry Report was submitted by the Principal/College on 27th March, 2014 certifying that the petitioner's father was the only earning member of the family and his family was entirely dependant on his earnings by working as Darwan of the concerned college. The said Report made recommendation for appointment of the petitioner to the post of Darwan in place of the petitioner's

father on compassionate ground with immediate effect.

The prayer of the writ petitioner is opposed by the learned counsel for the State on the ground of delay in filing the writ petition.

Upon hearing learned counsel, this Court is of the view that although there is admittedly substantial delay on the part of the petitioner in coming before the Court, there is also no answer on the part of the Director of Public Instruction with regard to reply to the representation made by the petitioner on 1st September, 2021. This Court is also of the view that whatever be the grounds of resisting the prayer of the petitioner for compassionate appointment, the same could well have been taken by the concerned respondent in its reply to the representation which the respondent did not do till the filing of the writ petition.

In view of the above, the respondent no. 3, being the Director of Public Instruction, Government of West Bengal, is directed to consider the representation made by the petitioner in September, 2021 and pass a reasoned order upon hearing all concerned parties within a period of two weeks from the date of communication of this order. A copy of such reasoned order shall be

made available to the petitioner within fifteen days from the date on which such decision is taken.

WPA 17069 of 2021 is disposed of accordingly.

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

(Moushumi Bhattacharya, J.)