

Sl. No. 233
30.11.2021
Court No. 2
Sourav

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 621 of 2020
(Via Video Conference)**

**Joydip Roy
Vs.
The State of West Bengal & Ors.**

Mr. Suman Sehanabis Mandal
...for the petitioner.
Mr. Bikramaditya Ghosh
Mr. Momenur Rahman
...for the State.

This is a second round of litigation between the parties. By an earlier order dated February 26, 2020 the Commissioner, Department of Panchayat and Rural Development had been directed to take a decision whether the petitioner could be appointed in any of the posts which are lying vacant as indicated in the Memo dated December 23, 2019.

In this writ petition, the petitioner has prayed for compassionate appointment to the post of the Gram Panchayat Sahayak in the District of Cooch-behar in the “died-in-harness” category.

The State respondents are represented and have filed a Report dated November 26, 2021. The State respondents are directed to serve a copy of the Report on the Advocate appearing on behalf of the petitioner within the course of the day.

I find from the Report that the District Panchayat Rural Development Officer, Cooch-behar inter alia has stated that there are fourteen posts which are lying vacant in the Group-D (GP Karmee) Category under the exempted category and two posts in the Group-D lying vacant under the exempted category in the Panchayat Samities. There are also other posts lying vacant.

In view of the fact that it is an admitted and indisputable position that there are vacancies in the concerned department, the Additional Chief Secretary, Department of Panchayat and Rural Development, State of West Bengal is requested to consider the case of the petitioner for compassionate appointment in the died-in-harness category.

Such exercise is to be completed within a period of eight weeks from the date of the communication of this order and after giving right of hearing to all the affected parties.

I make it clear that I have not gone into the merits of the case and in considering the case for compassionate appointment, on merits the respondent no.1 is not to be influenced by any observation or finding in this order.

With the above directions, WPA 621 of 2021 stands disposed of.

(Ravi Krishan Kapur, J.)