

OD-2

ORDER SHEET
WPO 64 OF 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BIMAL KUMAR PATRA
VERSUS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 29TH July, 2021.

APPEARANCE:
Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.
...for the petitioner

Mrs. Chaitali Bhattacharya, Adv.
Mrs. Ujani Pal, Adv.
..for the State

The Court : The petitioner claims compassionate appointment on the death of his father Pyari Mohan Patra who was an employee of the Belsingha – 1 Gram Panchayat. The petitioner relied on a decision of this Court dated September 6, 2019 passed in WPO No. 487 of 2019, whereby the state was directed to consider the issues raised by several similarly situated persons, claiming compassionate appointment. The operative portion of the said order is quoted below:

“The writ petitioners are also granted leave to bring their grievances by way of representations addressed to the Commissioner, DPRD, which shall be reviewed by the dedicated cell/mini secretariat. The Commissioner, DPRD shall be entitled to seek further and additional

particulars from each of the applicants while reviewing the status of their appointments out of the District Wise Provisional Panels.

It is expected that individual claims shall be completely reviewed and answered by the DPRD within four months of the Commissioner actually receiving the application.”

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that this petitioner was the writ petitioner No.1 in the case decided by this Court. Thus, on leave granted by this Court a representation was made, but the authority concerned, did not dispose of the same.

Another co-ordinate bench of this Court, by an order dated 19th February, 2021 directed the state respondents to review the matter in terms of the earlier order passed. Today, when the matter is taken up Ms. Chaitali Bhattacharya, learned advocate for the state respondents submits that admittedly the case of the petitioner has not yet been considered by the state respondents. She raises objections with regard to the entitlement of the petitioner. According to her, the scheme/policy for compassionate appointment would not entitle the petitioner to get compassionate appointment. She further submits that the petitioner was a minor at the time of death of the father in 2010. The pleadings show that the petitioner passed class X examination in 2017.

Having considered the rival contentions, I find that there are factual disputes in this writ petition. The writ petition is disposed of with a direction upon the Principal Secretary to the Government of West Bengal, Department of Panchayat and Rural Development, to consider the grievances of the writ

petitioner by treating the writ petition as an application. A hearing shall be given to the petitioner. The petitioner shall be allowed to place all documents in support of his contentions. A reasoned order shall be passed and communicated to the petitioner, in accordance with law. The eligibility of the petitioner in terms of the scheme of the government and also judicial decisions shall be taken into consideration. The order shall be communicated to the petitioner. The entire exercise shall be completed within a period of ten weeks from the date of communication of this order.

Parties to act on the server copies of this order.

(SHAMPA SARKAR, J.)

Sbghosh