

Item No.117

08.02.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 113 of 2022
Uttam Paul
v.
The State of West Bengal & Ors.

Mr. Rajib Kumar Acharyya
... for the petitioner.

Mr. Swapan Banerjee
Mr. Sougata Mitra
... for the State respondents.

Mr. Kamal Mishra
... for the respondent no. 4.

The order passed by the Chairman, Purba Medinipur District Primary School Council on April 25, 2017 in compliance of the direction passed by this Court in WP 27633(W) of 2016 is under challenge in the present writ petition.

Fact remains that the father of the petitioner died-in-harness on March 2, 1978. The petitioner was a minor at that point of time. His date of birth is June 24, 1971. The mother of the petitioner applied for the first time for appointment of her son on compassionate ground on January 8, 2016. The petitioner attained majority on June 24, 1989 and he passed his Madhyamik and Higher Secondary examination in the years 2012 and 2014 respectively.

The petitioner himself never approached the authority with prayer for being appointed on compassionate ground even after attaining majority.

Law is well settled in this regard.

There can be no reservation at the time of giving appointment on compassionate ground. Compassionate appointment cannot be claimed as a matter of right. It is an exception to the general rule. Compassionate appointment is provided to tide over the immediate financial crisis faced by the family of the deceased employee.

The employee died-in-harness way back in 1978. No order for providing compassionate appointment can be given in this matter at such a distant point of time.

It does not appear that the order passed by the Chairman requires any interference.

The writ petition is devoid of any merit.

The same fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)