

15.02.2022
SL No. 105
Court No. 24
(P.M)

WPA 593 of 2022

**Sk. Jalal Ahammed
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Samiran Mandal,
Mr. S.C. Dhara,
Mr. Abhinaba Dan
... for the petitioner.

Mr. Susovan Sengupta,,
Mr. Manas Kumar Sadhu
... for the State

The petitioner is the nephew of a deceased dealer. His application for being appointed on compassionate ground has been rejected by order dated 6th July, 2021 passed by the Sub Divisional Controller, Food and Supplies, Bishnupur.

It has been mentioned that as the relation 'nephew' does not fall within the definition 'family member' in accordance with the Control Order, 2013 as such his prayer for being appointed cannot be accepted.

It further appears from the impugned communication that the dealer in question expired on 16th January, 2016 and the application was filed by the petitioner on 5th January, 2021 for being appointed on compassionate ground.

The issue whether a relative can be granted a license on compassionate ground was taken up for

consideration by this Court in WPA 18950 of 2021 (Santi Kumar Ghosh & Ors. VS The State of West Bengal & Ors.) and by an order dated 21st December, 2021 the Court was of the opinion that 'nephew' being a 'relative' cannot be considered as a 'family member' of the licensee.

According to the Control Order, 2013 engagement on compassionate ground may be considered from any of the 'family members' of the deceased having no regular means of subsistence. The petitioner being the 'nephew' does not fall within the definition 'family member' and accordingly his prayer for being appointed on compassionate ground cannot be accepted.

It is settled law that engagement on compassionate ground cannot be claimed as a matter right. It flows from the scheme or the law governing the same.

In view of the above, no relief can be granted to the petitioner in the instant case. The writ petition fails and is hereby dismissed.

It goes without saying that in the event, the respondent declares vacancy in the said area it will be open for the petitioner to apply and contest for the same.

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

(Amrita Sinha, J.)