

16.03.2022
SL No. 11
Court No. 24
(P.M)

WPA 1168 of 2022

**Rizia Sultana
Vs
The State of West Bengal & Ors.**

Mr. Shamim ul Bari,
Ms. Molly Saha
... for the petitioner

Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya,
Mr. Nilay Baran Mondal
... for DPSC North 24-Parganas

The petitioner is aggrieved by the order passed by the Commissioner of School Education, West Bengal on 14th December, 2018 rejecting her prayer for providing appointment on compassionate ground.

The parents of the petitioner were Assistant Teachers of Secondary School. Her father died in harness on 26th October, 2000. The mother of the petitioner was in service when the father of the petitioner expired.

The authority considered the prayer of the petitioner for compassionate appointment and was of the opinion that the total income of the deceased family was sufficient to support the members of the family.

It was found that the family of the petitioner was not in such financial crisis so has not to provide two square meals a day.

As the petitioner failed to fulfill the financial criteria which is required for the purpose of compassionate appointment her prayer stood rejected.

Appointment on compassionate ground can never be claimed as a matter of right. It was always a concession that is granted to the heir of the deceased employee to tide over the sudden financial crisis faced on the death of the bread-earner.

In the present case though the father of the petitioner expired but her mother was still in government service and accordingly it cannot be said that the family was in such a distressed condition that it could not provide two square meals a day.

Accordingly, there is no apparent error in the order passed by the Commissioner of School Education rejecting the prayer for compassionate appointment.

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

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

(Amrita Sinha, J.)