

W.P.A. 1672 of 2012

Kakali Das
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. S.M. Ali
Sk. Intiaj Uddin

...for the petitioner

The writ petition is taken up for consideration in presence of the learned advocate representing the petitioner. However, no one is representing the State-respondents today.

In the writ petition challenge has been thrown to memo dated 29th May, 2010 issued by the District Inspector of Schools (SE), Birbhum whereby claim of the petitioner being the wife of the deceased headmaster of a Government aided recognised high School was refused by the concerned District Inspector of Schools being respondent no. 3.

Petitioner's husband died-in-harness on 27th December, 2006 and thereafter the petitioner being the wife of the deceased headmaster made application for grant of appointment on compassionate ground vide letter dated 9th February, 2007. On receipt of such application the respondent no. 3 by passing the impugned memo dated 29th May, 2010 refused to grant appointment in favour of the petitioner.

This Court has heard the learned advocate representing the petitioner and perused the said memo dated 29th May, 2010. Save and except the gross family income of the deceased teacher was found to be higher than the gross salary of the Group-D staff nothing has been spelt out in the decision of the respondent no. 3 and the calculation based on which such finding was made by the said respondent no. 3 has also not been indicated. At first blush it appears that the order of the respondent no. 3 is cryptic and devoid of reasons.

Accordingly, the decision of the respondent no. 3 as contained in memo dated 29th May, 2010 stands set aside and this Court directs the Commissioner of School Education, West Bengal to decide on entitlement of the petitioner to be appointed on compassionate ground in view of death of her husband in harness within a period of 12 (twelve) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and the respondent no. 3 or his representative.

The Commissioner of School Education, West Bengal is directed to pass a reasoned order and same to be communicated to the petitioner within 1 (one) week thereafter.

At the time of hearing the petitioner shall be at liberty to rely upon all the relevant Government Orders including the judgments delivered by this Court as well

as the Hon'ble Apex Court relating to appointment on compassionate ground.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Learned advocate of the petitioner is granted leave to add Commissioner of School Education, West Bengal as additional respondent on amending the cause title in course of this day.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)