

Item No.70

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

16.03.2022
Ct-24

WPA 4407 of 2022
Sri Basudeb Mondal

v.

The State of West Bengal & Ors.

Mr. Bharat Chandra Simai
... for the petitioner.

Ms. Chaitali Bhattacharya
... for the State respondents.

The father of the petitioner was a primary school teacher. He died-in-harness on April 1, 1974. The petitioner was a minor at that point of time.

After attaining majority, the petitioner applied before the respondent authority for being appointed on compassionate ground on November 17, 1994. The documents of the petitioners were forwarded by the Council to the Deputy Director (R.P.), School Education Directorate in the year 2018 but no final order has been passed in the matter till date.

The petitioner prays for consideration of his prayer for being appointed on compassionate ground.

Law relating to appointment on compassionate ground is very well settled. The employee died in the year 1974 when the petitioner was a minor. Thirty-three

years after the death of the teacher an application was filed for being appointed on compassionate ground.

Appointment on compassionate ground can never be claimed as a matter of right. It is a concession granted to the heir of the deceased employee who may have fallen in extreme financial crisis on the death of the bread-earner. Immediate action in the matter is an absolute necessity.

Here, there has been considerable delay in filing the application for appointment on compassionate ground. Moreover, there is no scope for reservation of vacancies in favour of the heir of a deceased for being engaged on compassionate ground after attaining majority.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition 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.)