

Ct. 22.11
No. 2022
238
82
akb

W.P.A. 4662 of 2019

Aparna Pal
-Versus-
The State of West Bengal & Ors.

Mr. Ujjal Ray

...For the Petitioner

Petitioner's husband was an employee of a college affiliated to the Burdwan University. He died in harness. The petitioner applied for compassionate appointment. The case of the petitioner for compassionate appointment was considered by the Director of Public Instruction, Government of West Bengal. The Director of Public Instruction rejected her case, inter alia, on the ground, there is no scheme for compassionate appointment applicable to the petitioner.

Mr. Ujjal Ray, learned Advocate appearing for the petitioner submits that in many cases Burdwan University has accorded compassionate appointments to the family member of the deceased employees. He also relies upon a circular dated August 21, 2002 vide Memo No. 301-EMP/1M-10/2000 issued by the Government of West Bengal to suggest that relying upon the said circular, a Coordinate Bench of this Court directed the Director of Public Instruction to grant compassionate appointment.

Needless to mention, compassionate appointment is not a matter of right. The compassionate appointment is made as an exception to the normal mode of appointment by virtue of a statute, scheme or rule to that effect.

It is not in dispute that the statute of Burdwan

University does not provide for any compassionate appointment to the family members of its employees.

In the judgment delivered in WPA 5112 of 2019 (Sri Partha Sarathi Manna Vs. The State of West Bengal & Ors.), the issue as to whether the circular dated August 21, 2002 applies to the aided Colleges under the State was neither argued nor considered. The plain reading of the circular dated August 21, 2002, does show that said circular applies only where the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999 applies

The said act does not apply to the College in question.

In absence of any provisions for compassionate appointment, no relief can be granted to the petitioner.

Accordingly, W.P.A. 4662 of 2019 is dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the petitioner upon compliance with all requisite formalities.

(Kausik Chanda, J.)