

27.06.2022
Court No.13
Item No.17
AP

WPA 5915 of 2018

**Pradip Pathak
Vs.
The State of West Bengal and Ors.**

Mr. Kalyan Kumar Panda
... For the Petitioner.

Mr. Biswabrata Basu Mallick
Mr. Sajal Pandit
... For the State.

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
... For the SSC.

The petitioner's case for compassionate appointment has been considered and forwarded by the District Inspector of Schools (SE), Purulia, to the School Service Commission. It is found that the terminal benefits of the petitioner's father, Aditya Prasad Pathak, are more than that of a 'Group-D' staff.

In view of the above, and the policy decision taken by the State that in the event of the terminal benefits of a deceased being more than that of a 'Group-D' employee, compassionate appointment could not be provided.

The petitioner's candidature was referred back for re-consideration. The petitioner being called for counseling and offering the school, in the opinion of this Court, cannot confer any special rights to him when the petitioner was disentitled under the policy of

the State itself. It is well-settled that there is no estoppel against the law.

In that view of the matter, no relief can be granted to the petitioner.

Hence, the writ petition shall stand dismissed.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)