

Court No. 22
06.12.2022
(Item No. 64)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8958 of 2022

Ayan Nandi
VS
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome

..... for the petitioner

Mr. Santanu Kumar Mitra
Ms. Jyotsna Roy Mukherjee

.....For the State

Ms. Mousumi Hazra

.... For respondent Nos. 3 & 4

The petitioner claimed to be the only son of one deceased **Assistant Teacher** named as **Aloke Nandy** who was in his employment at the time of his death at **Gopalnagar Haripada Institution (H.S.), District North 24 Parganas**. At the time of demise of the said Assistant Teacher he left behind the petitioner only son and his widow. The father of the petitioner died on July 24, 2020 as would be evident from the death certificate annexed at page 15 to the writ petition due to Covid positive. Immediately the son applied before the relevant school authority seeking compassionate appointment. The school authority after considering the case of the petitioner through its communications dated November 4, 2020, April 6, 2021 at page 17 and 18 to the writ petition sent its eagerness in favour of the petitioner's appointment at Group 'C' cadre in place and stead of his deceased father's employment.

Ms. Gopa Biswas, learned advocate appearing for the petitioner submitted that, despite all the formalities being completed and all the relevant records being submitted, the respondent No. 2 has not addressed the issue which remains pending before him for a substantial period of time.

Ms. Jyotsna Roy Mukherjee, learned advocate led by Mr. Santanu Kumar Mitra, learned advocate appearing for respondent Nos. 1 and 2.

Considering the submissions made on behalf of the parties and considering the materials on record, to sub-serve justice respondent No. 2 is directed to consider the case of the petitioner on the basis of the communication made by the relevant school authority, upon giving a seven days prior hearing notice to the petitioner and the respondent No. 4 and then after hearing them shall decide the issue with a reasoned order strictly in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 2 positively within a period of eight weeks from the date of communication of this order and then the respondent No. 2 shall communicate its reasoned decision/order to the petitioner and the respondent No. 4 within a further period of two weeks from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, then the respondent Nos. 2 and 4

shall take all further necessary and consequential steps in the matter with utmost expedition and strictly in accordance with law within a further period of four weeks from the date of communication of the said reasoned order to the petitioner and the respondent No. 4.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any manner and the petitioner shall be at liberty to urge whatever points shall be available to him and will be at liberty to rely upon whatever documents and record he wishes to rely upon before the respondent No. 2 and the relevant school authority shall also co-operate with the respondent No. 2 all possible manner and shall produce whatever documents and materials if asked for by the respondent No. 2.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is further made clear that, this order shall not create any equity in favour of the petitioner, in the event, the petitioner is otherwise not eligible to receive the claim for compassionate appointment strictly in accordance with law.

On the above terms, this writ petition being **WPA 8958 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)