

S/L 73
22.07.2022
Court. No. 21
suwayan

WPA 8618 of 2018

Padmashree Mahata
Vs.
The State of West Bengal & Ors.

Mr. Aritra Shankar Ray

...for the petitioner.

Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu

...for the respondent no.3.

It appears that the petitioner has been knocking the door of this Court since 2017 seeking an appointment on compassionate ground on the death of her mother who used to work as a lady attendant in Vivekananda Satavarshiki Mahavidyalaya, Jhargram.

On an earlier round of litigation, her writ petition, seeking a compassionate appointment was disposed of by a Co-ordinate Bench of this Court giving a direction upon the college authority to consider her representation in accordance with law. It was further directed to forward the documents to the Director of Public Instruction, Government of West Bengal for his consideration, if the petitioner was found to be eligible.

It appears that the college authority thereafter on January 18, 2018, wrote a letter intimating the Joint Director of public Instructions, Education Directorate, Government of West Bengal that the college was not in a position to give an appointment to the petitioner as no appointment to a non-teaching post could be made by the

college authority without permission of Higher Education Department. It was further intimated through the said letter that after obtaining the permission for filling of the vacant post of non-teaching staff, a written examination for filling up the post of lady attendant was conducted on March 9, 2017, but the petitioner could not qualify in the said examination.

Accordingly, the Director of Public Instruction by a letter dated March 21, 2018, intimated the petitioner that since he had not received any comprehensive proposal from the college, he was not in a position to consider the case of the petitioner.

In my view, the college has committed a mistake in communicating the letter dated January 18, 2018. From the said letter it is clear that the petitioner was asked to sit in the examination for lady attendant, but she failed and the college, therefore, did not recommend the name of the petitioner.

It is well settled that an appointment on compassionate ground is made to tide over the financial crisis faced by a family due to the sudden death of the sole bread winner of the family. A person seeking an appointment in died-in-harness category cannot be asked to participate in a regular selection process since it is not a merit based selection.

In that view of the matter, the communication dated January 18, 2018, from the College to the Joint Director of Public Instructions, Education Directorate,

Government of West Bengal is set aside. Consequently, the communication dated March 21, 2018, from the Director of Public Instruction to the petitioner is also set aside.

The Director of Public Instruction, Education Directorate, West Bengal is directed to consider the case of the petitioner afresh and decide whether the petitioner should be given an appointment on compassionate ground. The petitioner as well as the college shall be heard before the Director of Public Instruction, Education Directorate, West Bengal in arriving such a decision.

The entire exercise shall be completed by the Director of Public Instruction within six weeks from the date of communication of this order.

Accordingly, WPA 8618 of 2018 is disposed of.

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

All parties to act on the server copy of this order will be downloaded on the Official website of this Court.

(Kausik Chanda, J.)