

WPA 10232 of 2022
Bishadmuni Murmu
Vs.
The State of West Bengal & Ors.

Mr. Shuvro Prakash Lahiri,
Mr. Habibur Rahaman,
Mr. M. Ahmed Salik,
Mr. Rajesh Naskar

...For the Petitioner

Mr. Swapan Kr. Dutta,
Mr. Tapas Kr. Dey

...For the State

Mr. Amitava Chaudhuri
Mr. N. Roy

...For the University

Leave is granted to the petitioner to add North Bengal University as a respondent in this writ petition. A copy of the writ petition has been made over to Mr. Amitava Chaudhuri, who normally appears for the University.

Though it has been forcefully argued by Mr. Lahiri that the Rules of the University of North Bengal for appointment on compassionate ground apply to Gour Banga University, Mr. Chaudhuri denies such submission. He further submits that there is no provision under the Statute of Gour Banga University for compassionate appointment.

It may not be necessary to decide the said issue in this writ petition since the petitioner's case has been

considered by the State and rejected on other grounds as well.

The order impugned passed by the Director of Public Instruction whereby the case of the petitioner has been rejected, suggests that the petitioner is a married daughter of the deceased employee. The deceased employee was due to retire on November 30, 2018, and he died on January 30, 2018, leaving only about ten months of service. The claim for a compassionate appointment cannot be allowed in each and every case where an employee dies in harness. If an employee dies at the fag end of his service which does not significantly impact the family pension and other retiral dues, the claim for compassionate ground should not be entertained, since in such a case, the deceased's family does not face an unpredictable financial crisis. In the present case, there was no significant change in family pension and other retiral benefits due to the death of the petitioner's father which could justify an appointment on compassionate ground.

Even for the sake of argument, if it is assumed that the Rules for appointment on compassionate ground of the North Bengal University apply to the petitioner, she does not qualify. She applied for a compassionate appointment after about two years from the death of her father while the said Rules require an application to be made within three months from the date of the death of the deceased.

The overall financial condition of the petitioner's

family was examined by the Director of Public Instruction and it was also one of the grounds for rejection of the case of the petitioner.

Having regard to the aforesaid aspects, I am of the view that this application is unmeritorious.

Accordingly, WPA 10232 of 2022 is dismissed.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)