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W.P.A. 11631 of 2022

**Nani Gopal Barik
Versus
The State of West Bengal & Ors**

Mr. Ekramul Bari,
Sk. Intiajuddin,

... For the petitioner.

Mr. Swapan Kumar Dutta,
Mr. Pradhyut Kr. Das,

... For the State.

By an order dated October 13, 2020, the Director of Public Instruction allowed the prayer of the petitioner for his appointment on compassionate ground as 'Group D' staff of Vidyasagar Metropolitan College.

The operative part of the said order is quoted below:

"Considering all these above and also considering the financial crisis of the petitioner, as revealed from the report submitted by the enquiry Committee and also considering the fact that the First Statute of Calcutta University, has a provision for compassionate appointment. We may allow the prayer of the petitioner extending him the benefit of appointment on compassionate ground, subject to roster authentication which is to be made by the college authority concerned, after obtaining due concurrence from the Higher Education Department."

It appears that pursuant to the said order, the roster authentication was done by the Backward Classes Welfare Department by a letter dated February 11, 2021. Thereafter, the college again wrote a letter to the Education Directorate to issue the necessary

approval for appointing the petitioner as a Laboratory Attendant in Geography department on compassionate ground.

In my view when the Director of Public Instruction already had allowed the prayer for compassionate appointment to the petitioner, there was no necessity on the part of the college again to write a letter seeking his approval.

The college ought to have approached the Education Department for its concurrence as observed by the Director of Public Instruction in the order dated October 13, 2020.

In that view of the matter, this writ petition is disposed of with the direction upon the college to send necessary papers before the Principal Secretary, Higher Education Department, West Bengal seeking the concurrence from the Higher Education Department within a period of two weeks from date.

Upon such communication being made by the college, the Department of Higher Education will accord its concurrence in accordance with law within a period of four weeks thereafter.

Accordingly, WPA 11631 of 2022 is disposed of.

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

(*Kausik Chanda, J.*)