

28.07.2022
Court No.13
Item No.12
AP

WPA 15820 of 2021

Partha Nandi
Vs.
The State of West Bengal and Ors.

Mr. Kazi Sajjad Alam
Mr. Sayan Raul

... For the petitioner.

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta

... For the State.

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

... For the WBCSSC.

The petitioner is aggrieved by an order dated 11th February 2021 passed by the District Inspector of Schools (SE), Bankura, rejecting the prayer of the petitioner for compassionate appointment.

The petitioner is the son of Bipad Bhanjan Nandi, who was an Assistant Teacher in Mangal Chandi Junior High School, Bankura, and who died-in-harness on 21.06.2019. Thereafter the petitioner applied for compassionate appointment.

The said application was rejected on the ground that the monthly pension being received by the mother of the petitioner, is higher than that of a Group D staff in the State. Reference is made to GO No.697-ES/S/IS-18/08 dated 09.07.2009 and GO No.559/ES/E/4A-45/13 dated 06.07.2015 in this regard.

Counsel for the petitioner has placed reliance upon a decision of this Court in WP No.7846(W) of 2013

dated 17.12.2018 and in the case of **Govind Prakash Verma Vs. Life Insurance Corporation of India and Ors.** reported in **(2005) 10 SCC 289**. Reference is also made in the case of **Sreyashi Banerjee Vs. State and Ors.** in WP 9657(W) of 2014 dated 11.04.2014.

It is noticed that in the decision of **Govind Prakash Verma (supra)**, the Life Insurance Corporation did not have any specific Rules for computation of the family income of the deceased.

In the instant case, counsel for the State submits that the aforesaid circulars of the State of West Bengal clearly specify that compassionate employment shall not be allowed where the terminal benefits of a deceased are above the emoluments payable to a Group D staff.

The aforesaid circulars may not have taken into consideration in the decisions of this Court referred to by the counsel for the petitioner.

It is now well-settled that compassionate appointment is not a regular source of employment but an exception thereto. The same is aimed at preventing the family of a deceased from starvation and penury.

In view of the above and keeping in mind the specific Rule as referred to by the District Inspector of Schools (SE), Bankura, in the impugned order, this Court is of the view that no relief can be granted to the petitioner.

With the aforesaid observations, the writ petition is disposed of without any further orders.

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.)