

15.11.2022

WPA 16769 of 2022

Sri Bikash Kumar
-Vs-
State of West Bengal & Ors.

Mr. Tapas Kr. Bhattacharya
Mr. Aviroop Bhattacharya
Mr. Bishnu Prosad Singha Roy

... for the petitioner

Mr. Swapan Kumar Dutta
Mr. Tapas Kr. Mondal **... for the State**

Mr. Subhrangsu Panda
Ms. Mithu Singha Mahapatra
... for the Respondent No.5

Mr. N. C. Bihani
Mr. Soumyajit Ghosh
..., for the Burdwan University

The petitioner challenges an order dated March 24, 2022 whereby the Director of Public Instructions, West Bengal, Education Directorate, declined to give appointment in favour of the petitioner on compassionate ground.

The petitioner's case was considered by the Director of Public Instructions pursuant to an order dated August 18, 2021 passed by a Co-ordinate Bench of this Hon'ble Court in the earlier round of writ petition.

The Director of Public Instructions was of the view that the State has no scheme or policy regarding the appointment on compassionate ground in

government aided colleges. He was of the further view that the relevant circular which provides for compassionate appointment for the State government employees is not applicable to the non-government or the State aided colleges.

When this matter was moved, a specific enquiry was made by this Court as to whether the statute of the relevant university namely, the Sidho-Kanho-Birsha University has any scheme or statutory provision for appointment on compassionate ground.

Since the college was affiliated to Burdwan University when the deceased employee was appointed, Mr. Behani, Learned Advocate, who usually represents Burdwan University, was also requested to intimate the Court as to whether there was any statutory provision or scheme of the Burdwan University for compassionate appointment.

Today, it has been submitted by Sidho-Kanho-Birsha University as well as by Burdwan University that there is no statutory provision or scheme under the Universities which provides for compassionate appointment.

In the absence of any scheme or statutory provision, the petitioner cannot be appointed on compassionate ground.

Accordingly, WPA 16769 of 2022 is dismissed, without any order as to costs.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

(Kausik Chanda, J.)