

04. 06.09.2022
Bd. Ct.15

W.P.A. 15606 of 2019

Mansura Begum
-vs-
State of West Bengal & Ors.

Mr. Syed Mansoor Ali
Ms. Tanuja Basak

....for the petitioner.

Mr. Susanta Pal
Mr. Avishek Prasad

... for the State.

The writ petition pertains to grant of appointment in favour of the petitioner under compassionate ground in view of death of the husband of the petitioner in harness on 12th September, 2013 while he was working in the post of Assistant Teacher in a Government aided recognised high school. The petitioner after untimely death of her husband approached the concerned respondent authorities for grant of appointment on compassionate ground on completion of formalities which could not yield any result which compelled the petitioner to file a writ petition being W.P. 21984(W) of 2017 claiming appointment on compassionate ground. The said writ petition was disposed of vide order dated 14th November, 2018 by a coordinate Bench whereby the Commissioner of School Education was directed to revisit the issue relating to grant of compassionate appointment in favour of the petitioner and to pass a reasoned order within a specified time.

Pursuant to the said order dated 14th November, 2018 the Commissioner of School Education, West Bengal, being the respondent no.2 took decision as contained in Memo dated 21st February, 2019 whereby the claim of the petitioner for grant of appointment on compassionate ground stood rejected. The said decision of the respondent no.2 is the subject-matter of challenge in this writ petition.

It has been submitted on behalf of the petitioner that the decision of the respondent no. 2 may be reconsidered keeping in view of the fact that the difference of family income of the deceased teacher and the gross salary of the Group-D staff at the material point of time was found to be approximately Rs. 300 per month.

Mr. Pal, learned advocate, appears on behalf of the State respondents and has defended the decision of the respondent no. 2 on the score that the husband of the petitioner died on 11th September, 2013 and considering the date of death of the petitioner's husband the respondent no. 2 has rightly followed the notification dated 9th July, 2009 which was applicable in case of considering the prayer of the petitioner for appointment on compassionate ground.

Having considered the submissions made on behalf of the learned advocates representing the parties and on perusal of the Memo dated 21st February, 2019 issued by the respondent no. 2 whereby the claim of the petitioner for appointment

on compassionate ground was refused it appears that at the time of death of the husband of the petitioner the family income of the deceased teacher was found to be Rs.11694/- whereas the gross salary of Group-D staff of the State Government was Rs. 11322/-. Therefore the respondent no. 2 upon complying with the methodology as contained in the notification dated 9th July, 2009 has rightly concluded that since the family income of the deceased teacher was found to be higher than the gross salary of a group-D staff of the State Government, it was ultimately decided against the petitioner and accordingly the claim of the petitioner on compassionate ground was turned down.

This court does not find any flaw in the decision of the respondent no. 2 accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)