

W.P.A. 16395 of 2019

Koustav Biswas

-vs-

The State of West Bengal & Ors.

Mr. Dilip Kumar Maiti

....for the petitioner.

Mr. Sanjib Das

....for the State.

Petitioner seeks appointment on compassionate ground in view of death of his father on 8th July, 2007 in harness. Father of the petitioner was Headmaster of a Government aided High School in the district of Nadia.

The grievance of the petitioner is after the death of his father on 8th July, 2007 he made application for appointment on compassionate ground to the concerned District Inspector of Schools on 10th October, 2009 and the same was not considered.

Mr. Das, learned advocate representing the State respondents has opposed such prayer of the writ petitioner on the score that after the application was made by the petitioner on 10th October, 2009 petitioner did not take any steps contemporaneously and ultimately the writ petition has been filed on 21st August, 2019, ten years after making the application.

This Court has heard the learned advocates representing the parties and finds that the grievance of the petitioner is appointment on compassionate ground due to death of his father in harness. The object of granting compassionate appointment in favour of the family member of the deceased teacher is to provide immediate financial assistance in view of untimely death of bread earner. In the present case since the application was made by the petitioner for appointment on compassionate ground on 10th October, 2009 after the death of petitioner's father on 8th July, 2007 and subsequently, ten years thereafter he filed the present writ petition on 21st August, 2019, which goes to show there was no immediate financial requirement which is necessary in deciding the entitlement of the petitioner to get the benefit of compassionate appointment.

In addition thereto, reliance has also been placed on the judgment of the Hon'ble Apex Court, reported in 20007 Vol 9 SCC page 278 (New Delhi Municipal Corporation -vs- Pan Singh & Ors.) wherein it has been succinctly decided that the reasonable time to approach the writ court is three years.

In view of aforesaid consideration, this

Court does not find any merit in this writ petition and the same stands dismissed.

However, there shall be no order as to costs.

Affidavit-of-service filed by the petitioner is taken on record.

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

(Saugata Bhattacharyya, J.)