

Court No. 22
31.10.2022
(Item No. 8)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 18497 of 2022

Pramita Das Paul
VS
The State of West Bengal & Ors.

Mr. Arnab Saha
Mr. Abhimanyu Banerjee..... for the petitioner
Mr. K. M. Hossain
Ms. Keya Sutradhar. For respondent Nos. 3 & 4
Ms. Chaitali Bhattacharyya
Mr. Subhendu Roychoudhury For the State

The writ petitioner is the daughter of the deceased College employee. The employee expired on December 28, 2020. The petitioner claimed compassionate appointment. A co-ordinate bench by its order dated April 26, 2022 directed the College authority to consider and dispose of the claim of the petitioner with reasons. By a communication dated May 10, 2022, **Annexure P-7** to the writ petition the College authority recommended that it had no objection if the competent authority (department of Higher Education) allows the matter.

In view of the above, the concerned Secretary of the department of Higher Education is directed to consider the claim of the petitioner strictly in accordance with law after giving at least seven days prior hearing notice to the petitioner and the College authority and after giving them an opportunity of hearing shall pass its reasoned order on the issue.

Ms. Chaitali Bhattacharyya, learned State counsel submits that, there is no scheme prevailing

permitting the petitioner to grant any compassionate appointment in the facts and circumstance in this case. She submits that, the petitioner is not entitled to get any compassionate appointment in the facts of this case.

Be that as it may, the appropriate authority as directed above, shall carry out and complete the exercise as directed above within a period of six weeks from the date of communication of this order. The Secretary, department of Higher Education then shall communicate his reasoned order to the petitioner and the relevant College authority within a further period of one week from the date of the said reasoned order.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner. The parties will be at liberty to urge whatever points available to them before the hearing authority.

Since affidavits are not called for the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 18497 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)