

10. 14.09.2022
Bd. Ct.15

W.P.A. 20043 of 2017

Moutusi Hati Dutta

-vs-

The State of West Bengal & Ors.

Mr. Ekramul Bari

... for the petitioner.

Mr. B.P.Vaisya

Mr. Suman Dey

... for the State

The petitioner claims appointment on compassionate ground in view of death of her father who was an Assistant Teacher in a Government aided recognised High School who died in harness on 1st April, 2004. Subsequently the mother of the petitioner prayed for appointment of her daughter being the petitioner on compassionate ground on 21st May, 2004.

The grievance of the petitioner is while deciding the claim of the petitioner for appointment on compassionate ground the District Inspector of Schools (SE), Hooghly, being the respondent no. 3 wrongly applied Government Order being 697-ES(S) dated 9th July, 2009 in order to determine the financial hardship of the family of the deceased teacher.

According to Mr. Bari, learned advocate

representing the petitioner father of the petitioner died on 1st April, 2004 therefore the respondent no. 3 should not have applied the Government Order dated 9th July, 2009 while rejecting the claim of the petitioner for appointment on compassionate ground and the relevant Government Order which was in vogue at the time of death of the father of the petitioner qua the date of making application for such appointment should have been applied while determining the eligibility of the petitioner to be appointed on compassionate ground.

This Court has heard the learned advocates representing the petitioner and the State respondents and perused the relevant materials available on record.

It appears from the memo dated 18th February, 2016 that the petitioner being the elder daughter of the deceased teacher got married after the death of her father. The status of the petitioner after her marriage gets altered in absence of specific case made out in the writ petition that the daughter is staying with the widow. On query to the learned advocate representing the petitioner whether any case has been made out in the writ petition to the extent that the petitioner is staying with her mother this Court does not get any

satisfactory answer.

The question of applicability of Government Order dated 9th July, 2009 while deciding the claim of the petitioner for appointment on compassionate ground as questioned by the petitioner in the present writ petition pales into insignificance in view of the fact that the petitioner is a married daughter. The married daughter who is living separately does not have any right to be appointed on compassionate ground in terms of the relevant Government order.

In view of aforesaid situation no relief can be granted to the petitioner and 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.)