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11.02.2022.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 23583 of 2019
(Via Video Conference)**

**Md. Abdul Bari Sk. & Anr.
-versus
State of West Bengal & Ors.**

**Mr. Sambhu Nath Ray,
Mr. Rameshwar Sinha,
Mr. Abu Jafar.
...For the Petitioners.**

**Mr. Sarwar Jahan,
Sk. Nayeemul Haque.
...For the Respondent
Nos. 4 & 5.**

The prayer of the petitioner No.1 for grant of compassionate appointment to his son stood rejected by the Chairman-in-charge, Murshidabad District Primary School Council by an order dated 18th September, 2019.

The petitioner No.1 was a primary school teacher. He submitted a representation on 25th October, 2010 before the Council that due to health issues he became bed ridden with effect from 24th April, 2010 and was unable to attend the school.

The petitioner No. 1 prayed that his unemployed son being the petitioner No.2 be absorbed in the school on compassionate ground.

The prayer of the petitioner No.1 was, however, not accepted by the Council.

The petitioner No.1 is aggrieved by the same.

It appears from the instruction submitted by the learned advocate appearing for the Murshidabad District Primary School Council that the petitioner No.1 being the primary teacher was permitted to continue with his service till he attained his normal age of superannuation on 31st October, 2012. He received his retirement benefits and is getting pension as per the Government Rules.

It has been submitted that the petitioner No.1 has no liability in respect of any overdrawn salary, loan and advance, employer's share of CPF and he received provident fund and gratuity in accordance with the Government Rules.

As it appears that the petitioner No.1 was in service for his entire tenure, accordingly, there is hardly any scope for providing compassionate appointment to his son.

In view of the above, no relief can be granted in favour of the petitioners in the present writ petition.

The writ petition fails and is hereby dismissed.

The instruction given by the Murshidabad District Primary School Council to the learned advocate be retained with the records.

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

(Amrita Sinha, J.)