

W.P.A. 25369 of 2018

**Smt. Babi Adhikari
Vs.
The State of West Bengal & Ors.**

Mr. Samir Kumar Adhikari

...for the petitioner

**Mr. Swapan Kr. Dutta
Mr. Tapas Kumar Dey**

...for the State

Petitioner is the daughter-in-law of a deceased Anganwadi Helper who died on 2nd September, 2018 in harness. Petitioner being the daughter-in-law of the deceased Anganwadi Helper made an application for appointment on compassionate ground which was received by the respondent authorities on 20th September, 2019. In receipt of such application Child Development Project Officer, Binpur-II Integrated Child Development Services Project, District- Jhargram being the respondent no. 6 refused such prayer of the petitioner for appointment on compassionate ground on two counts - at the time of death of deceased Anganwadi Helper her age was 61 years and applicant seeking appointment on compassionate ground is not the daughter of the deceased Anganwadi Helper but daughter in law.

Such memo dated 20th September, 2018 of the respondent no. 6 is the subject matter of challenge in the present writ petition. On behalf of the petitioner it has been argued that on relaxation of conditions relating to appointment on compassionate ground due to death of Anganwadi Helper petitioner should have been appointed under died in harness category as Anganwadi Helper.

Mr. Swapan Dutta, learned additional Government pleader appears on behalf of the State-respondents and has drawn attention of this Court to the fact that the date of birth of the mother-in-law of the petitioner is 14th November, 1956 and she died on 2nd September, 2018. Thereby at the time of death age of the deceased Anganwadi Helper was 61 years.

In this context reliance has also been placed on Clause 20 of the Government Memorandum dated 25th January, 2006 whereby it has been specifically provided that for getting the benefit of compassionate appointment in connection with death of Anganwadi Helper one of the pre conditions is death has to take place within the age of 60 years of such Anganwadi Helper

On consideration of the relevant facts as indicated in paragraph 6 of the affidavit-in-opposition, it appears that at the time of death of mother-in-law of the petitioner her age was 61 years. As a result whereof on application of Clause 20 of the said Government Memorandum dated 25th January, 2006 it appears that the petitioner cannot

be adjudged as an eligible candidate for getting the benefit of compassionate appointment.

It is well settled that the benefit of compassionate appointment is not a vested right however it is an exception. If the scheme does not provide for grant of compassionate appointment in favour of the petitioner she is not entitled to be appointed on such consideration.

In above conspectus the present 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.)