

06.04.2022
sayandeep
Sl. No. 05
Ct. No. 05

WPA 23988 of 2019

Manik Majhi
-versus-
The State of West Bengal & Ors

Mr. Ujjal Roy
Mr. Arpa Chakraborty
... for the petitioner
Mr. Lalit Mohan Mahato
Ms. Jhuma Chakraborty
..... for the State
Mrs. Usha Maiti
Mr. Sakya Maiti
..... for the College Authority

The petitioner has challenged Reasoned Order dated 26th July, 2018 passed by the Director of Public Instruction by which the petitioner's prayer for compassionate appointment was rejected. The ground given by the DPI is that by a Government Order dated 28.10.2014, recruitment of Hospital/ Mess Employee in any Universities on compassionate ground stood prohibited.

The facts in the present case, in brief, are that the petitioner's father died on 23rd December, 2009. The petitioner made the first application on 5th January, 2010. Counsel however relies on a second application made on 28th January, 2010. This application shows the receipt of the application by the Principal of the College which

would be clear from the endorsement on the application.

Learned counsel for the petitioner has placed supplementary affidavit showing that two appointments were made on 17th July, 2000 and 25th February, 2008, by the College and by the University respectively.

The explanation preferred by the College that the two appointments were made by way of regular appointments is not evident from the letters. Second, the two appointments indicate that the College and the University made appointments as of 2000 and 2008 which was near about the time when the petitioner applied for compassionate appointment. The reason given by the DPI, relying on the 2014 Government Order, does not provide any basis for rejecting the petitioner's application since the petitioner's application was of 2010 and was received by the Principal of the College.

The contention of the State with regard to the 2014 Government Order applying in the case of the petitioner as the petitioner's application is of 2017 is clearly contrary to the records since the application of 28th January, 2010 contains the

endorsement of receipt by the Principal of the College.

In view of the above reasons, this Court finds the basis of rejection of the petitioner's application to be without any intelligible reasons and the reasons given does not apply to the petitioner since the Government Order is at least four years after the application made by the petitioner.

WPA 23988 of 2019 is accordingly allowed. The impugned order dated 26th July, 2018 is set aside.

The DPI is directed to reconsider the petitioner's application for compassionate appointment taking into account the two appointments made by the College and the University in 2000 and 2008. The decision shall be given within four weeks from the date of communication of this order and a copy of the reasoned order shall be made available to the petitioner within a week from date on which such order is passed.

(Moushumi Bhattacharya, J.)