

09. 09. 2022

BP
Sl. 22
Court No. 17

WPA 30747 of 2017

Rupa Chakraborty & Anr.
Vs.
The State of West Bengal & Ors.

Mr. T.P. Halder
..for the petitioners

This is a case of compassionate appointment of the petitioner no.2 who made application in the year 2009 as appears from Annexure P-3 of the writ application. She was 14 plus years of age in 2009. Her father expired on 8th November, 2008. Therefore, she attained majority after four years from 24th July, 2009 when the Collector gave him the certificate as to age (Annexure P-2). So the petitioner no.2 was not fit for the employment in 2009 and could not apply within two years from the death of her father. From Rule 14 of the West Bengal Primary School Teachers Recruitment Rules, 2001, it is found that the application for compassionate appointment has to be made within two years from the date of such death. Therefore, there was no question of making appropriate application within two years from the date of death of the father of the petitioner no.2 as she attained majority after four years

from the death of her father. This matter was considered by the Commissioner of School Education, West Bengal by order of this court and a reasoned and speaking order was passed on 24.11.2017. In paragraph 5 of the said order (vide page 79A of the writ application) referring to one Larger Bench judgement, the Commissioner observed that the time fixed i.e. for filing such application (by two years) is rigid and subsequent application after attaining majority is not a lawful application and the same cannot be said to be a continuing process.

I also find that the Commissioner of School Education made no mistake in his reasoned and speaking order dated 24.11.2017. Therefore, I do not find any merit in this writ application and the same is dismissed.

No order as to costs.

(Abhijit Gangopadhyay, J.)

