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14.02.2022.
d.p.

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

**W.P.A 7802 of 2020
(Via Video Conference)**

**Ardhendu Mandal & Anr.
-versus
State of West Bengal & Ors.**

**Mr. Dinendra Nath Chatterjee,
Mr. Madhusudan Mondal.
...For the Petitioners.**

**Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly.
...For the State.**

**Mr. Bhaskar Prasad Vaisya,
Mr. Nilay Baran Mondal.
...For the DPSC, Purulia.**

The petitioner No.1 is the son and the petitioner No.2 is the widow of a deceased primary school teacher who died-in-harness on 28th April, 2003.

Prayer was made for appointing the petitioner No.1 by his mother being the petitioner No.2 in the died-in-harness category.

Though the petitioners submit that application was made for compassionate appointment in March 2004, there is nothing on record to substantiate the said statement of the petitioners.

The postal receipt which is annexed at page 24 of the writ petition is absolutely illegible and the date of

posting the said application is not clear from the said postal receipt.

The petitioner No.1 was admittedly a minor at the time of death of his father. The date of birth of the petitioner No.1 is recorded as 13th February, 1986 in the Admit Card issued by the West Bengal Board of Secondary Education.

An application for compassionate appointment has been annexed at page 28 of the writ petition allegedly made by the petitioner No.1 on 20th April, 2011. The same does not bear any proof of service.

The first application made by the petitioner No.1 praying for compassionate appointment, with proof of service, is the representation dated 15th May, 2015 posted on 22nd May, 2015.

As the application of the petitioner No.1 was not considered by the respondents, the petitioner No.1 filed a writ petition before this Court being W.P. No. 16349 (W) of 2017. The said writ petition was disposed of by this Court on 11th December, 2017 directing the Chairman, District Primary School Council to consider and take a decision in accordance with law in respect of the petitioner's application for giving appointment on compassionate ground.

The Chairman/Secretary, District Primary School Council, Purulia by a Memo dated 8th March, 2018 intimated the petitioners that the application of the petitioner No.1 cannot be taken into consideration as it is not permissible as per Government Order.

The impugned communication further mentions that the teacher expired on 20th April, 2003 and the application was received from the petitioner No.2 for providing appointment in respect of the petitioner No.1 on 24th December, 2013.

Admittedly, there is nothing on record to show that the application was made by either of the petitioners prior to 24th December, 2013.

It has been submitted by the learned advocate appearing for the petitioners that as the petitioner No.1 was a minor at the time of death of his father, accordingly, the application was made at a later date.

Fact remains, that the petitioner No.1 appeared in the Madhyamik Examination in the year 2006 when he was already a major but even then no application for compassionate appointment was filed by him prior to 2015.

The widow, being the petitioner No.2, made application in December 2013 more than ten years after the death of the teacher.

It is settled law that appointment on compassionate ground cannot be claimed as a matter of right. There can be no reservation for providing appointment on compassionate ground till a minor heir attains majority.

The teacher concerned expired nearly 19 years back and there is no reason to show any compassion to the petitioners at this stage. The immediate need for financial help on account of death of the teacher is no longer present in this case.

In view of the above, no relief can be granted in favour of the petitioners in the present writ petition. There is no reason for interfering with the impugned order of rejection of the petitioner's prayer for compassionate appointment.

The writ petition fails and is hereby dismissed.

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.)