

Court No. 2

11.08.2022

(DL 5)

(S. Banerjee)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

WPA 2504 of 2021

Smt. Aparna Modak

Vs.

The State of West Bengal & Ors.

Mr. Debasish Mukhopadhyay

Mr. Amritam Mandal

Mr. Anirban Banerjee

Ms. Jeenia Rudra

Ms. Sriya Basu

... for the petitioner

Mr. Bikramaditya Ghosh

Mr. Pretom Das

... for the State

The prayer of the writ petitioner in this writ application is for giving compassionate appointment to the petitioner as the husband of the petitioner, who was a Madrasah teacher, expired during the Covid 19 pandemic. The petitioner is spending her days in very difficult situation for last two years as the husband of the petitioner expired on 21.09.2020.

I direct the District Inspector, Madrasah Education, Coochbehar, being the respondent no. 6 herein, to take immediate steps for giving compassionate appointment to the petitioner.

The other prayer of the writ petitioner is that to pay an amount of Rs. 10 lac to the petitioner as the petitioner is the dependant legal heir of the deceased teacher and such payment is to be made in terms of the notification dated 1st April, 2020, being memo no. HF/O/Covid-19/2020/3085.

In this regard Mr. Ghosh, the learned advocate representing the State-respondent has submitted that the expired teacher is not covered by the said scheme.

However, I find that the person is covered under a scheme of insurance which is notified by the Health and Family Welfare Department, Government of West Bengal. For this, notification dated 01.04.2020 was published (vide Annexure P-5 of the writ application). In respect of such insurance policy of employees of permanent, contractual or part-time nature under the Health and Family Welfare Department and other departments/organizations under the Government of West Bengal were covered apart from others.

I find that the petitioner's husband was a teacher in a Madrasah which is under the

Education Department of Government of West Bengal.

Hence, I am of the view that the petitioner is entitled to such benefit because of coverage by the insurance policy by the notification as aforesaid. However, instead of passing an order for payment of money immediately, I request the District Magistrate of Coochbehar district to look into the matter immediately with sympathy and, if necessary, send it directly to the Hon'ble Chief Minister of West Bengal so that at the highest stage of the state administration the matter can be decided. I hope and expect that the entire matter of payment of Rs. 10 lac will be seen with sympathy as had the petitioner not been given the duty of distributing midday meals to the students of Madrasah by going to their residences, he would not have come out of his house and in such an event the risk of getting affected with Covid-19 would have been much lesser. He would not have expired at all and could live life like ours.

Therefore, this court hopes and expects that this matter will be considered with proper sympathy as the wife of the deceased teacher of a Madrasah is spending her days with a small 8-year-old girl child.

The Second part of this order is for consideration of the appropriate authority, including the District Magistrate, Coochbehar; but the first part of the order, directing the District Inspector, Madrasah Education, Coochbehar, (respondent no. 6 herein) for taking steps for giving compassionate appointment to the petitioner, is a mandatory order.

The District Inspector, Madrasah Education, Coochbehar should communicate the steps taken by him to the petitioner by three months from date.

(Abhijit Gangopadhyay, J.)