

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

01.12.2022
Sl. No.6(DL)
srm

W.P.A. No. 3192 of 2022

Bibekananda Roy

Versus

The State of West Bengal & Ors.

Mr. Subhankar Dutta,
Mr. Debajit Kundu

...for the Petitioner.

Mr. Bikramaditya Ghosh,
Mr. Pretom Das

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner claims compassionate appointment.

The father of the petitioner, since deceased, was a group-D staff in Chalsa Gayanath Bidyapith, Jalpaiguri. The petitioner's father died-in-harness on April 29, 2009. The petitioner's mother wrote a letter to the Headmaster of the school for appointment of her eldest son. The said letter could not be processed as the same was not in the prescribed form. Thereafter, none of the family members of the deceased took any steps. On August 24, 2012, that is 3 years after the death of the employee, the petitioner applied for

compassionate appointment in the prescribed form with all relevant information and documents.

Reliance has been placed on a communication from the District Inspector of Schools (Secondary Education), Jalpaiguri dated June 27, 2013 calling the petitioner for a hearing with all relevant documents. The petitioner submits that the hearing took place but till date no intimation was received by him about the fate of his application for compassionate appointment.

More than 13 years have lapsed since the death of the petitioner's father. Application in the prescribed form was made three years after the death.

Mr. Ghosh, learned Advocate appearing on behalf of the State-respondents, submits that compassionate appointment cannot be claimed either as a matter of right or by way of inheritance. Such appointment is given only to enable the family of the deceased to tide over immediate financial crisis. It is an alternative mode of employment which is usually provided as per a scheme or a policy of the employer. Learned Advocate submits that the family of the deceased has been able to survive for 13 years or more and as such the question of granting compassionate appointment at this belated stage would not arise.

Having heard the learned Counsel for the parties, this Court agrees with the proposition of Mr. Ghosh that the family has been able to tide over the financial crisis or hardship. They managed to sustain themselves for 13 years.

However, records reveal that the District Inspector of Schools had called the petitioner for a hearing with all documents. Thereafter, the petitioner was not intimated about the fate of such hearing. This Court is of the view that the petitioner should at least be informed about the fate of his application for compassionate appointment pursuant to the hearing given by the District Inspector of Schools.

Under such circumstances, the writ petition is disposed of with a direction upon the District Inspector of Schools (Secondary Education), Jalpaiguri to dispose of the representation of the petitioner which is annexure P-12 at page 37 of the writ petition, in accordance with law. The consequences of the earlier hearing and the ultimate decision which had been taken by the authority, shall be intimated to the petitioner. If no decision had been taken, in that event, the representation shall be disposed of on the basis of the records.

The reasoned decision shall be communicated to the petitioner within a period of eight weeks from the date of communication of this order.

This Court has not gone into the merits of the claim of the petitioner. The entire issue shall be decided by the authority concerned.

A copy of the writ petition along with a server copy of this order be served upon the District Inspector of Schools (Secondary Education), Jalpaiguri.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)