

09.10.2023
SL No.29
Court No.8
(gc)

FMA 1508 of 2015

**Manas Khanra
Vs.
State of West Bengal & Ors.**

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kr. Nag,
...for the State.

1. The appellant is not represented nor any accommodation is prayed for on behalf of the appellant.
2. The appeal had appeared in the warning list of cases on and from 19th September, 2023 with a clear indication that the said matter shall be transferred to the Regular Bench on 6th October, 2023. The appeal is again listed today in the main cause list. All the parties have sufficient notice about the listing of the matter before the Regular Bench on and from 6th October, 2023.
3. The appeal was filed on 8th December, 2014. The record shows that no attempt has been made to move this appeal after it was filed. No step has been taken to serve notice and prepare paper books. It clearly shows that the appellant is not interested to proceed with the appeal and has

virtually abandoned the appeal. However, we consider the materials on record and the impugned order.

4. We have heard Mr. Sirsanya Bandyopadhyay, learned Counsel appearing on behalf of the Commissioner of School Education.
5. The appeal is against the refusal to pass an interim order. The writ petitioner approached the Court for appointment on compassionate ground. It, prima facie, appears that his case was considered for appointment as a primary school teacher considering a Government Order dated 26th June, 2009 disregarding the fact that the father of the petitioner died on 7th July, 2006. It is trite law that the application for compassionate appointment is required to be considered on the basis of the scheme and circular applicable on the date of the death of the bread earner.
6. We direct the Commissioner of School Education to dispose of the representation on the basis of the scheme prevailing as on 7th July, 2006 within four weeks from date of communication of this order.
7. Since the appellant is not represented, a copy of this order shall be served upon the

appellant by the department within one week from date by Speed Post with A.D.

8. The Registrar Administration (L&OM) is directed to ensure compliance of this order.

9. Mr. Bandyopadhyay shall also communicate this order to the Commissioner of School Education.

10. However, we make it clear that in the event the writ petition is disposed of on merits, this order may not be required to be implemented.

11. Accordingly, the appeal stands disposed of.

12. However, there shall be no order as to costs.

13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)