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13.2.2023
S.D.

W.P.A. 2072 of 2023

**Wozifa Khatun
Vs.
The State of West Bengal & Ors.**

Md. Kutubuddin

...For the petitioner

Mr. Arjun Roy Mukherjee
Ms. Sucharita Paul

...For the State

Affidavit of service filed in Court today is retained with the records.

In this writ petition, the petitioner has prayed for appointment on compassionate ground. The petitioner's mother was Anganwadi Sahayika in ICDS Project under Nalhati-I Block, District – Birbhum. The petitioner's mother died-in-harness on April 28, 2000. The petitioner's father made an application sometime in or around June 8, 2000 for appointment of his daughters in place and stead of his deceased wife. However, the said prayer could not be considered as the daughters were major at that point in time.

The next application for appointment on compassionate grounds was made on October 26, 2021 which is more than 21 years after the first representation was made. No explanation

has been given as to the delay in making of such application. The oldest of the deceased worker's daughter was 14 years at the time of the death of the deceased worker. There is no explanation as to why on attaining majority, the prayer for compassionate appointment was not made.

Furthermore, the petitioner relies on a Memo dated January 25, 2006 for appointment in Died-in-Harness category. There is also no explanation as to the long delay between the issuance of the 2006 Memorandum and the prayer made for compassionate appointment.

Md. Kutubuddin, learned counsel appears on behalf of the petitioner.

Mr. Roy Mukherjee, learned counsel appears on behalf of the State.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that more than 21 years after the death of the mother, the petitioner has made a prayer for appointment on compassionate ground. The said prayer is misconceived. The reason for compassionate appointment is to provide immediate financial assistance to overcome the financial constraints that a family is likely to face due to the sudden death of her breadwinner.

It cannot be said that after 21 years from the date of death of her mother, there is an immediate financial crisis that the family is suffering due to her death.

In the circumstances, **W.P.A. 2072 of 2023 is dismissed.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the writ petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)