

27.7.2023

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WPA 3320 of 2020

Rajesh Manna
Vs.
The State of West Bengal & Ors.

Mr. Victor Chatterjee
Mr. Tarapada Das
... For the petitioner.

Mr. Debjit Mukherjee
Ms. Rupsha Chakraborty
... For the State.

Mr. Anupam Hait
... For respondent no. 4.

The petitioner claims compassionate appointment.

His father was a Lecturer at Mahishadal Girls' College, Purba Medinipur, who unfortunately died in harness on April 10, 2010 in a motor accident. The college is affiliated with Vidyasagar University.

The petitioner applied for his compassionate appointment before the college. Subsequently the College responded to the petitioner's application by a letter dated September 21, 2016 with the following observations:

"All the colleagues of your late father Swadesranjan Manna still feel very sad of his sudden demise, but we have no scope to provide any job to you in died in harness or humanitarian ground, so your claim for the same is beyond our control. However, we may

forward your application to the D.P.I. for their recommendation and consideration only.

Secondly I condemned your dubious claim of verbal assurance from my part is subject to challenge by the court of law.”

In view of the Judgment delivered on July 12, 2023 by this Court in **W.P.A. 23952 of 2022 (Sri Pritam Mallick vs. State of West Bengal & Ors.)**, this writ petition is disposed of with the following directions:

- (a) The relevant College shall cause an enquiry to ascertain whether there is an existing financial crisis in the family of the petitioner within two weeks from date.
- (b) If the enquiry report justifies a compassionate appointment in favour of the petitioner, the college shall recommend the petitioner's name for compassionate appointment and forward all the relevant documents and the enquiry report to the Director of Public Instruction, West Bengal for his approval.
- (c) The Director of Public Instruction shall take a decision with regard to the compassionate appointment of the petitioner within six weeks thereafter. The order should be communicated to the petitioner within seven days thereafter.

However, it is made clear that the Director of Public Instructions shall not reject the case of the

petitioner on the ground that there is no scheme in place for compassionate appointment. It is further made clear that the terminal benefits, if any, received by the petitioner or his mother will also not be a ground for rejection of the petitioner's case.

The letter dated September 21, 2016 is set aside.

With the aforesaid observations, **WPA 3320 of 2020** is disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)