

WPA 6447 of 2023
Bikash Das
Vs.
State of West Bengal & Ors.

Mr. Kanailal Samanta
...For the Petitioner
Ms. Debjani Sengupta,
Ms. Koyel Bag,
Ms. Shahina Haque,
Mr. Abhijit Chatterjee
...For Vidyasagar University
Mr. Tapas Kr. Dey
...for the State

In a number of cases, this Court has held that Statute 163 of the Vidyasagar University First Statute, 1983 explicitly provides for compassionate appointments. Despite the existence of this Statutory provision, the petitioner's case for compassionate appointment has not yet been considered by the respondent authorities.

The father of the petitioner was a permanent Sweeper at Ghatal Rabindra Satabarshiki Mahavidyalaya under Vidyasagar University. He died in harness on March 7, 2010. The petitioner thereafter applied for his compassionate appointment. The college on compassionate ground appointed the petitioner on ad hoc basis on April 15, 2010. Since then the petitioner has been continuing in the said ad hoc position.

Mr. Kanailal Samanta, learned advocate appearing for the petitioner submits that though the petitioner made a representation before the Director of Public Instruction on February 10, 2023 seeking a regular appointment on

compassionate ground, no steps have been taken by the said respondent thus far.

The university and the State submit that there is no scheme for compassionate appointment in place.

I have already indicated that the First Statute of the university provides for compassionate appointment. Absence of a scheme cannot negate the statutory mandate.

It appears that the relevant college conducted an enquiry regarding economic condition of the deceased employee's family. The enquiry report is appearing at page 19 of the writ petition.

The committee report was in favour of appointing the petitioner on compassionate ground.

Accordingly, I dispose of this writ petition with a direction upon the Director of Public Instruction, West Bengal to take a decision with regard to the compassionate appointment of the petitioner within a period of two months from the date of communication of this order. The resulting reasoned order should be communicated to the petitioner within a period of one-week thereafter.

Accordingly, **WPA 6447 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)

