

03.04.2023  
DL-49  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 6499 of 2023**

**Chaitali Mitra**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Anjan Bhattacharya,  
Ms. Anita Shaw

....for the petitioner.

Mr. Tapan Kumar Mukherjee, AGP,  
Ms. Saheli Mukherjee

....for the State.

Supplementary affidavit filed in Court today is retained with the records.

By an order dated January 16, 2023, this Court directed the authorities concerned to consider the representation of the petitioner for compassionate appointment in the light of the Special Bench Judgment of this Hon'ble Court in F.M.A. 1277 of 2015 (**State of West Bengal & Ors. vs. Purnima Das & Ors.**). A personal hearing was given to the petitioner on March 3, 2023 by the Deputy Inspector General of Police & State Commandant, Nadia.

Mr. Bhattacharya, learned counsel appearing on behalf of the petitioner submits that the findings of the Enquiry Officer that the petitioner was not dependent on the deceased employee of West Bengal National Volunteer Force/her father was not based on

any relevant material. He submits that it was the duty of the Enquiry Officer to base his findings on records. The Enquiry Officer found that the petitioner got married in 2011 based on her statements. After her marriage she has been residing with her husband in village - Poligram, Purba Bardhaman. The petitioner has a son of aged 11 years and her husband owns a piece of agricultural land approximately 5 bighas and is a farmer by occupation and living in his own house with family. The petitioner has also stated that the distance between her paternal home and in-laws house is a walking distance of 30 minutes and motorable distance of 10 minutes. The petitioner keeps on commuting between both the houses without any inhibition. The petitioner also stated during enquiry that since her father died in September 21, 2013, she stayed some times with her mother due to old age and presently she is staying with her husband and in-laws in the same house after the demise of her mother. On enquiry, whether the petitioner faced any physical or mental harassment from her husband or his family members, she has declined the same and stated affirmatively that she never faced any such problem.

Mr. Bhattacharya also relies on a document issued by the Prodhan, Murgram-Gopalpur Gram

Panchayat dated February 27, 2023 in order to evidence the fact that the petitioner used to stay with her mother and was dependent on her.

Mr. Mukherjee, learned Additional Government Pleader appears on behalf of the State-respondents.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that the representation of the petitioner was considered by the Deputy Inspector General of Police & State Commandant on the basis of the statements made by the petitioner during the hearing. As such, any denial of such statements made before the Enquiry Officer would be a serious disputed question of fact.

In such view of the matter, this Court is not inclined to go into such disputed questions of fact in adjudication of the present writ petition. This Court has no reason not to believe the statements made in the reasoned order by the Deputy Inspector General of Police & State Commandant/Enquiry Officer on March 3, 2023.

In the view of this Court, the writ petition is misconceived.

In the light of the discussions above, **WPA 6499 of 2023 is dismissed.**

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

**(Lapita Banerji, J.)**