

19.9.2023
ap
03

WPA 7898 of 2023

Sk. Rubiya Khatun

Vs.

The State of West Bengal & Ors.

Mr. Saktipada Jana
Mr. Md. Zakir Hossain
Mr. Subhojyoti Das
... For the petitioner.

Mr. Bhaskar Prasad Vaisya, AGP,
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
... For the State.

In this writ petition, the petitioner has prayed for her compassionate appointment being a widow of a Steno-Typist at Syamsundar College, Purba Bardhaman, who died in harness on April 05, 2019.

It has been submitted by Mr. Jana, learned advocate appearing for the petitioner that the college has already forwarded the claim of the petitioner on compassionate appointment before the Director of Public Instruction after considering the report filed by a "Special Assessment Committee."

He further submits that a Division Bench of this Court in similar circumstances directed the Director of Public Instruction to consider the prayer of the petitioner therein for appointment under the died-in-harness category.

Like any other right, right of compassionate appointment must flow from Statutes, Notification or Scheme.

Admittedly, the Burdwan University Act, 1981 or the First Statutes of the Burdwan University does not provide for compassionate appointment.

In that view of the matter, I am of the view that the petitioner cannot assert her claim for compassionate appointment.

The Notification No. 97-Emp. dated June 06, 2005 as relied upon by Mr. Jana does not extend to an aided college of the State.

Accordingly, **WPA 7898 of 2023** is dismissed.

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.)