

08.12.2023
Item No.8
Ct. No. 238
AKG

WPA 8570 of 2023
Manik Majhi
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Roy, Mr. Arpa Chakraborty	...for the Petitioner
Ms. Debjani Sengupta, Ms. Koyel Bag, Ms. Jonaki Khan	...for the University
Ms. Usha Maity, Ms. Anita Khatri, Mr. Sakya Maity	...for Respondent No. 5
Mr. Supriyo Chattopadhyay, Mr. Gourav Das	...for the State

It has been admitted by the College that the father of the petitioner was a permanent Group-D employee of Raja Narendra Lal Khan Women's College. It is also not in dispute that the father of the petitioner died at the age of the 58 years 10 months.

Mr. Ujjal Roy, learned advocate appearing for the petitioner submits that the Director of Public Instruction rejected the case of the petitioner solely on the ground that there is no applicable scheme for compassionate appointment.

Mr. Roy submits that in view of number of judgments passed by this Court, the case of the petitioner should be considered in the light of the statute of the Vidyasagar University First Statute, 1983.

The college submits that the petitioner is now working as a temporary employee of the college. However, it denies the entitlement of the petitioner to be appointed as a permanent employee.

The university suggests that since the father of the petitioner died at the fag end of his service, the petitioner cannot be given appointment on compassionate ground.

I am not inclined to entertain the prayer of the writ petition. The father of the petitioner died at the fag end of his service leaving only few months of service.

A compassionate ground is granted to alleviate the financial crisis faced by a family following the untimely death of the sole bread-winner of the family. This assistance aims to provide support during difficult times.

In the present case, it was known to the family members that the petitioner's father would retire within a few months. The demise of the petitioner's father did not lead to any significant alteration in the retiral dues, including the pensionary benefits, which would have resulted from his usual retirement. Therefore, it cannot be said that the family encountered an abrupt financial crisis due to demise of father of the petitioner.

In that view of the matter, it is not a fit case where the petitioner can claim for compassionate appointment.

It is made clear that dismissal of the writ petition would not adversely affect the current employment of the petitioner.

WPA 8570 of 2023 is dismissed.

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.)