

W.P.A. 9630 of 2023

**Sri Anirban Banerjee @ Anirban Bandyopadhyay
Vs.
The State of West Bengal & Ors.**

Mr. Subrata Ghosh,
Mr. Mahadeb Khan ... For the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Shayak Chakraborty ... For the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey ... For the WBCSSC.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The father of the petitioner was an Assistant Teacher of a secondary school, while in service he died on June 08, 1988.

The widow of the deceased teacher applied for compassionate appointment, but was twice found not eligible for such appointment.

The petitioner upon attaining majority applied for such appointment and was called in the interview, but the result of the said interview since was not communicated to him, he filed a writ petition being W.P.A. 5375 of 2021.

A co-ordinate Bench of this Court by the judgment and order dated March 19, 2021 though had dismissed the said writ petition on the ground of delay but directed the District Inspector of Schools (SE), Hooghly, the respondent no. 5, herein to consider the representation of the petitioner dated November 27, 2020 in accordance with law.

The respondent no. 5, in terms of the existing rules send the said representation for consideration to the competent authority, the West Bengal Regional School Service Commission, Eastern Region – Purba Bardhaman, the respondent no. 4 herein.

The Secretary of the respondent no. 4 vide its order bearing Memo No. 149/RSSC (ER)/ BDN/2022 dated July 05, 2022 has refused to recommend the name of the petitioner for appointment under died-in-harness category on compassionate ground in view of the restriction of the Notification bearing G.O. No. 697-ES/S/IS-18/8 dated July 09, 2009.

The aforesaid order is under challenge in the instant writ petition.

Paragraph 20 of the said notification dated July 09, 2009 read with **Schedule V** appended thereto mandate that the appointment on the died-in-harness category is required to be made within two years from the date of death of the concerned employee.

The delay of more or less 35 years in this case is fatal as such there is no reason to interfere with the order impugned, accordingly W.P.A. 9630 of 2023 is, therefore, dismissed, there shall be however no order as to costs.

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

(Biswajit Basu, J.)