

18.05.2023  
Sl. No.10(DL)  
srm

**W.P.A. No. 10352 of 2023**  
**Smt. Nayantara Bhowmick**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Satyajit Mondal,  
Mr. Amar Nath Sen,  
Mr. Amit Bikram Mahata  
....for the Petitioner.

Mr. Ansar Mandal,  
Mr. P.B. Mahata  
...for the State-respondents.

Despite service, none appears on behalf of the panchayat authorities. Affidavit-of-service is taken on record.

The petitioner has challenged the order passed by the Child Development Project Officer, Mathurapur-II, ICDS Project, South 24-Parganas dated January 18, 2023. Such order was passed pursuant to a direction of this Court in WPA 19250 of 2021.

The first writ petition was filed with twofold allegations. One, that the petitioner's application for the post of Anganwadi helper which was filed pursuant to a notification issued by the Child Development Project Officer, Mathurapur-II, ICDS Project, South 24-Parganas,

dated March 2, 2020, had not been considered. Second, the petitioner while discharging her duties as an Anganwadi helper in a Sishu Siksha Kendra under Kumarpara Gram Panchayat, was not being paid any remuneration.

The Court had directed that the petitioner must approach the Child Development Project Officer, Mathurapur-II, ICDS Project, South 24-Parganas by filing an elaborate representation. The authority was directed to dispose of the matter upon hearing the petitioner, the Pradhan of the Kumarpara Gram Panchayat and other representatives of the Sishu Siksha Kendra.

Pursuant to such direction, the petitioner filed a detailed representation and was also given a hearing. In the representation, the petitioner alleged that her mother-in-law expired on December 15, 2018 when she was working as an Anganwadi helper. Hence, the petitioner prayed for appointment on compassionate ground. Further contention of the petitioner was that she had been working as an Anganwadi helper at AWC No.187, Panchpukur Halder Para, since April 27, 2017, but she had not been paid any remuneration. The petitioner claimed the money.

The authority, upon perusing the office order No.288-sw dated January 25, 2006 issued by the Department of Women and Child Development & Social

Welfare, Government of West Bengal, arrived at a conclusion that only a daughter of a deceased Anganwadi worker or helper would be engaged in the died-in-harness category. The petitioner, being the daughter-in-law of the deceased, did not qualify for engagement on compassionate ground.

The next issue was decided and it was held that the recruitment process, which had been initiated, was under progress and the engagement of Anganwadi helpers in AWC No.187 in the Mathurapur-II, ICDS Project, would be done after publication of the final result of the recruitment process.

With regard to the claim for remuneration, the petitioner could not produce any document or office order in support of her claim that she had been working as an Anganwadi helper in ICDS Centre No.187 since April 17, 2017. Hence all the claims of the petitioner were rejected.

Compassionate appointment is an exception to the general rule of appointment. The said appointment is given to a dependant family member in terms of a particular scheme. The scheme applicable in case of Anganwadi workers and helpers provides that only a daughter can be given engagement on compassionate ground, under the died-in-harness category. Neither the

authorities nor the court can go beyond the scheme and direct engagement of the petitioner as the daughter-in-law of the deceased employee. The engagement on compassionate ground is neither heritable nor a matter of right. There are no rules apart from the applicable schemes which are adopted by different departments to engage a dependant family member in order to tide over the immediate financial hardship which the family faces due to death of the bread winner. The petitioner is married and has not disclosed her husband's income.

As the petitioner could not produce documents indicating that she was either engaged as an Anganwadi helper or was discharging her duties in such capacity on a regular basis, the prayer for remuneration was also rejected. The petitioner has failed to base her claims on any legal or factual foundation.

Under such circumstances, nothing remains to be decided in the writ petition.

The writ petition is accordingly dismissed.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**