

Court No. 22

WPA 9670 of 2018

03.10.2023

(A 42)

(S. Banerjee)

Poulomi Sasmal

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari

... for the petitioner

Mr. Gourav Das

... for the Das

Affidavit of service filed in Court today is taken on record.

The writ petitioner claims compassionate appointment. The father of the petitioner was an Assistant Teacher at **Dakshin Kashinagar High School (HS)**, District South 24 Parganas. The father of the petitioner died on November 4, 2014. The retirement of the father was due on February 28, 2017. The school authority applied before the respondent no. 3 on November 8, 2016, **Annexure P-3** at **page 40** to the writ petition, seeking an appointment in favour of the petitioner.

By an order dated December 27, 2017, the respondent no. 3 has rejected the claim for compassionate appointment, **Annexure P-4** at **page 43** to the writ petition.

Mr. Ekramul Bari, learned counsel appears for the petitioner.

Mr. Gourav Das, learned State-counsel appears for the respondent nos. 1 to 3.

After considering the submission made on behalf of the parties and upon perusal of the impugned order dated December 27, 2017, **Annexure P-4** at **page 43** to the writ petition, this Court is of the considered view that the order passed by the respondent no. 3 is in a printed format and cryptic in nature. The reasons for rejection are not sufficient, with the necessary findings as to how the respondent no. 3 has arrived at its decision rejecting claim of the petitioner. The impugned order dated December 27, 2017 is non-speaking in the opinion of this Court and cannot sustain in law.

In view of the above, the order impugned dated December 27, 2017, **Annexure P-4** at **page 43** to the writ petition stands set aside and quashed.

To subserve justice the respondent no. 3 is directed to revisit the issue on the basis of the available material before it on the basis whereof the said impugned order dated December 27, 2017 was passed by the respondent no. 3 upon issuing a hearing notice of at least 7 days to the petitioner and the respondent no. 4 and after giving them an opportunity of hearing, the respondent no. 3 shall decide the issue and pass its reasoned order with the supporting finding in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 3 positively within a period of **six weeks** from the date of communication of this order and the respondent no. 3 shall communicate its reasoned order to the petitioner and the respondent o. 4 positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this court has not gone into the merits of the case of the petitioner in any manner and the petitioner and the school authority shall be at liberty to urge all points before the respondent no. 3, on the basis of the records already existing before the respondent no. 3 whereupon the said impugned order dated December 27, 2017 was passed.

It is also made clear that this order shall not create any equity or right in favour of the petitioner if the petitioner is not eligible to receive her claim strictly in accordance with law.

With the above terms and with the above directions, this writ petition, being **WPA 9670 of 2018**, **stands allowed**, without any order as to costs.

(Aniruddha Roy, J.)