

S/L 117
05.9.2023
Court No.26
SD

WPA 10667 of 2022

Mampi Dey Chowdhury Chanda
Vs.
The West Bengal State Electricity Distribution Company
Limited & Ors.

Mr. Saumitra Muchirjee
Md. Hafiz Ali
Ms. Shanta Sarkar

...for the Petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

Affidavit-in-opposition and affidavit-in-reply filed by
the parties be kept with the record.

This is an application under Article 226 of the
Constitution of India wherein the writ petitioner is aggrieved
by an order dated April 12, 2022 that has been passed by the
Appointing Authority & General Manager (HR&A), West
Bengal State Electricity Distribution Company Limited
wherein the appointment of the writ petitioner under the
grounds of compassionate appointment has been cancelled
after a period of four years.

The grounds for cancellation that have been listed are
based on a police report that records that the educational
documents submitted by the petitioner cannot be taken as a
valid document. Based on the above report, the impugned
order has been passed.

It is surprising to see that the documents produced by
the petitioner vide her letter dated January 21, 2022 has not
been taken into account and the explanation given by the
petitioner has also not been taken into account while passing

the above order. The fact that the petitioner studied till Class-VIII in the above school is not in dispute. The only issue is that the school had been closed subsequently in 2014 due to certain legal issues with regard to Government affiliation. The respondents have been in no way able to submit that the petitioner had been studied till Class-VIII.

Furthermore, a certificate has been produced by the petitioner indicating that she had also studied in Class-IX in another school, namely, Niranjana Ghosh Smriti Vidyapith (H.S.) that had proper affiliation with the Government.

I have heard counsel appearing on behalf of the parties and perused the materials on record.

In my view, the order passed by the respondent authority has not taken into consideration the factual matrix that the petitioner has studied till Class-IX and also the fact that she had been employed for four years and had done an exemplary job in her work place. The discrepancy found in the affiliation of the school should not in any manner now be a cause for cancellation of her appointment.

In light of the same, the impugned order is set aside and the authorities are directed to reinstate the petitioner in accordance with law. Consequential benefit to be followed.

With these observations and directions, WPA 10667 of 2022 is disposed of.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)