

Court No. 22
22.11.2023
(Item No. ML-19)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 12709 of 2017

Md. Abdul Asad
VS
The State of West Bengal & Ors.

Mr. Goutam Dey
Ms. Ankita Ghosh
Mr. Ankan Mondal
Ms. Chaitali Das
..... for the petitioner

Mr. Goutam Dey, learned advocate appeared for the petitioner.

None appeared for the rest of the respondents.

The petitioner has challenged the impugned order passed by the respondent No. 3 dated **March 21, 2016** rejecting the claim of the petitioner for compassionate appointment, **Annexure P-4** at **page 53** to the writ petition. The father of the petitioner was a Headmaster/Superintendent at the relevant Madrasah. The father of the petitioner died on **September 12, 2011** as would be evident from the death certificate being **Annexure P-2** at **page 40** to the writ petition. The petitioner being the elder son then applied before the respondent No. 3 through the relevant Madrasah seeking compassionate appointment in the died-in-harness category. The application was made on **November 3, 2011**.

By the said impugned order dated **March 21, 2016** the respondent No. 3 rejected the claim of the petitioner for compassionate appointment applying

the provisions laid down under **G.O. No. 697-ES/S/1S-18/08 dated July 9, 2009**. In terms of the provisions of the subject Government order it was found by the respondent No. 3 that the financial hardship with compare to the gross salary of the **Group-D staff** was not less.

From a close scrutiny of the said impugned order it appears that, the respondent No. 3 while deciding the issue has considered all the factors and factual informations and then came to his finding. There was no perversity on the face of the said impugned order.

In as much as, compassionate appointment is not an alternative mode of generation of employment. Such an appointment is the result of the benevolent policy of the State. While considering such an appointment the provisions under the State policy must be strictly adhered to.

From the impugned order it appears that, the relevant provisions under such State policy being the relevant Government Order was duly considered and then after detailed factual enquiry the claim of the petitioner was rejected having found the income criteria being hit under the said Government Order.

There is no infirmity in the decision making process.

In view of the foregoing discussions and reasons, the said order dated **March 21, 2016** stands **affirmed** and not interfered with.

In view of the above, this writ petition being **W.P.A. 12709 of 2017** stands dismissed, without any order as to costs.

(Aniruddha Roy, J.)