

16.10.2023
SL No.2
Court No.8
(gc)

MAT 886 of 2023
CAN 2 of 2023

Moriom Nessa
Vs.
The State of West Bengal & Ors.

Md. Sarwar Jahan,
Mr. Shaharayar Alam,
Mr. M.A. Salik,
...for the Appellant.

Mr. Supriyo Chattopadhyay, A.G.P.,
Ms. Iti Dutta,
...for the D.P.S.C.

Mr. Santanu Kr. Mitra,
Mrs. Rama Haldar,
...for the State.

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Payel Shome,
Ms. Sampriti Saha,
Mr. Avijit Kar,
Ms. Mohona Das,
...for the Respondent No. 10.

1. We have heard the learned Counsel for the parties.
2. Mr. Firdous Samim, learned Counsel appearing on behalf of the respondent No. 10 has opposed the recommendation of the District Primary School Council, Dakshin Dinajpur for appointment of the wife of the deceased in the died-in-harness category.
3. The respondent No. 10 is the son from the first marriage. Earlier, we have directed the Chairman of the District Primary School

Council, Dakshin Dinajpur to file a report on various points. The enquiry report revealed that the respondent No.10 is living separately in a separate mess. Mr. Samim has submitted that the financial dependency shall be considered having due regard to the financial need of the family members which, inter alia, consist the respondent No.10. Admittedly, the respondent No.10 was not residing with his father at the time of his death. He was not dependent on the income of his father. The application for compassionate appointment was made by the widow and thereafter opposed by the respondent No. 10. The respondent No.10 did not file any application for consideration of his name for the appointment in died-in- harness category.

4. On such consideration, we accept the submission made on behalf of the appellant and the D.P.S.C.
5. We direct the D.P.S.C., Dakshin Dinajpur to consider the prayer for appointment of the appellant under the died-in-harness category.
6. The statement of facts produced before us shows that the income of the husband of

the appellant was less income than a Group-D employee under the Government of West Bengal when he died and the widow is in extreme hardship.

7. The statement of facts filed by the Chairman, D.P.S.C. is taken on record.
8. The impugned order is set aside and the appeal is allowed.
9. Accordingly, the appeal and the application stand disposed of.
10. However, there shall be no order as to costs.
11. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)