

09 25.7.2023

Ct-08

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MAT 837 of 2021
with
I.A No. CAN 1 of 2021

Riddhi Das
Vs.
State of West Bengal & Ors.

Mr. Sayan De
Mr. Arpan Guha
Mr. Kaustav Sharma
Ms. Esha Acharya
Mr. Sayan Kanjilal
... For the Appellant

Mr. Santanu Kumar Mitra
... For the University

Mr. Swapan Kumar Datta, Sr. Adv
Mr. Sambuddha Dutta
... For the Respondent nos. 4 & 5

We have heard the learned counsel appearing
for the parties.

The appellant is the daughter of the deceased. Her father was a group-D employee in Bhairab Ganguly College, Belghoria. The said college was affiliated to Calcutta University where First Statute provides for a scheme for compassionate appointment. Indisputably he served the said college for almost 34 years. The affiliation of the said college was changed to Calcutta University to the West Bengal State University 2014 where the first statute does not provide for the same benefit. The said employee died in the month of August 2014 i.e. to say

three months after the affiliation of the said college to Calcutta University to the West Bengal State University 2014.

The appellant contends that her father having served for almost 34 years under the First Statute of the Calcutta University, her right to claim compassionate appointment could not have been taken away by reason of change of affiliation.

The First Statute of the West Bengal State University does not contain any provision similar to the First Statute of the Calcutta University regarding appointment on compassionate ground. The policy prevalent at the time of death of the deceased employee is only required to be considered and not any prior or subsequent policy.

The compassionate appointment is not a vested right. Although we do not find any infirmity in the order of the learned Single Judge, however, having regard to the fact that the deceased employee unblemishly served the institution for more than 34 years, in the event any representation is made, the Directorate of Public Instruction, Government of West Bengal is requested to consider the representation of the

Appellant, if possible, favourably having regard to the special facts of the matter and take a decision within eight weeks from the date of communication of this order by either of the parties. We make it clear that this order is not confinement of any right on the petitioner to claim appointment.

On such consideration, the appeal being MAT 837 of 2021 is accordingly disposed of.

The State shall also consider of adopting a uniform policy for compassionate appointment in all State Universities.

In view of disposal of the appeal nothing to be decided in the application being CAN 1 of 2021 and the same is accordingly disposed of.

In view of our earlier order the Registrar of the West Bengal State University, Barasat, North 24 Parganas, is personally present in court. His personal appearance is dispensed with.

(Uday Kumar, J.)

(Soumen Sen, J.)

