

17.7.2023

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WPA 12523 of 2023

Sabina Yasmin

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari

Sk. Imtiaj uddin

... For the petitioner.

Mr. Arnab Ray

... For respondent nos. 3 & 4.

Mr. Tapas Kr. Mandal

... For the State.

Affidavit-of-service filed by the petitioner be kept with the records.

The husband of the petitioner was a Laboratory Attendant at Maheshtala College, Budge Budge. Kolkata.

The petitioner's husband could not continue his service as he was declared by a Medical Board as permanently incapacitated and he retired from service on December 31, 2010. Ultimately, the husband of the petitioner died on April 12, 2014.

The petitioner made an application for her compassionate appointment before the college on July 08, 2013.

The college recommended the name of the petitioner for compassionate appointment and forwarded all necessary documents to the Director of Public Instruction by a letter dated April 20, 2014.

The Director of Public Instruction, however, by the letter dated October 13, 2020 rejected the case of the petitioner for compassionate appointment.

The said order dated October 13, 2020 is not sustainable and accordingly the same is set aside in view of the judgments delivered by this Court in **W.P.A. 23952 of 2022 (Sri Pritam Mallick vs. State of West Bengal & Ors.)**, **WPA 5891 of 2023 (Shrimati Binapani Murmu Vs. The State of West Bengal & Others)** and **WPA 10489 of 2022 (Ashoke Patra Vs. The State of West Bengal & Others)**.

Accordingly, this writ petition is disposed of with the following directions:

- (a) The relevant College shall cause an enquiry to ascertain whether there is an existing financial crisis in the family of the petitioner within two weeks from date.
- (b) If the enquiry report justifies a compassionate appointment in favour of the petitioner, the college shall recommend the petitioner's name for compassionate appointment and forward all the relevant documents and the enquiry report to the Director of Public Instruction, West Bengal for his approval.
- (c) The Director of Public Instruction shall take a decision with regard to the compassionate appointment of the petitioner within six weeks

thereafter. The order should be communicated to the petitioner within seven days thereafter.

However, it is made clear that the Director of Public Instruction shall not reject the case of the petitioner on the ground that there is no scheme in place for compassionate appointment. It is further made clear that the terminal benefits, if any, received by the petitioner will also not be a ground for rejection of the petitioner's case.

With the aforesaid observations, **WPA 12523 of 2023** is disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)