

WPA 15268 OF 2021

Arkaprabha Mukherjee

Vs.

The State of West Bengal & Ors.

Mr. Swapan Banerjee

....For the Petitioner

Mr. Tapan Kr. Mukherjee

Mr. Pinaki Dhole

Mr. Avishek Prosad.

....For the State

The petitioner claimed to be the adopted son of Aparajita Mukherjee claimed to be an ***Assistant Teacher at Badla Girls' High School, District - Pubba Bardhaman.***

Relying upon ***page 79*** to the writ petition which being a Certificate issued by the ***Office of the Zonal Medical Board, Burdwan Medical College & Hopital, Purba Bardhaman,*** Mr. Swapan Banerjee, learned advocate appearing for the petitioner submitted that the mother of the petitioner had become physically incapacitated and permanently disabled to carry on her employment.

Referring to ***page 17*** to the writ petition it was submitted on behalf of the petitioner that, on ***August 11, 2021*** an application was made by the petitioner before the jurisdictional District Inspector of Schools seeking compassionate appointment.

The petitioner contended that the State authority did not consider the case of the petitioner. Praying for compassionate appointment the petitioner filed this writ petition.

Mr. Pinaki Dhole, learned counsel appeared for the respondent nos. 1 to 3.

Considering the submissions made on behalf of the petitioner and on perusal of the materials on record, it appeared to this Court from the document at **page 79 to the writ petition** that the mother of the petitioner become incapacitated and physically disabled in **2021** at the age of **56 years**. The employment tenure of the petitioner's mother is still **60 years**. **Four years** are only left within the employment tenure of the mother of the petitioner. From paragraph 4 of the writ petition, as pleaded by the petitioner, it appeared to this Court that the adoption of the petitioner by the said teacher employee was declared by the competent civil court in a **Title Suit No.171 of 2018**. It reveals that at the age of **52 or 53 years** the mother of the petitioner adopted the petitioner and at the **age of 56 years** when the mother was declared to be physically incapacitated, the petitioner being the adopted son, applied for compassionate appointment.

It is trite that compassionate appointment is not a mode of generation of alternative employment. In the facts of this case, for the remaining four years of service

of a State employee by granting a compassionate appointment to the petitioner, would amount to extending the service tenure for another at least 20 years, would not be justified, according to the view of this Court, considering the stringent condition and scarcity of employment.

Compassionate appointment is a benevolent policy of the State to support immediate survival of a family of a State employee due to such employee's untimely death or as in the facts of this case in the event of the employee becoming permanently disabled.

For the foregoing reasons and discussions, this Court is of the view that this is not a fit case where this Court should consider the prayer for compassionate appointment of the petitioner.

In view of the above, this writ petition, **WPA 15268 of 2021** being devoid of any merit stands dismissed, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)