

Item-3. 18-09-2023

MAT 1093 of 2023
CAN 1 of 2023

^{sg} Ct. 8

Amrita Das
Versus
The State of West Bengal & Ors.

Mr. Dilip Kumar Maity, Adv.
...for the appellant
Mr. Arindam Chattopadhyay, Adv.
...for the DPSC, Nadia
Mr. Pinaki Dhole, Adv.
Ms. Tapati Samanta, Adv.
...for the State

1. In terms of our order dated 12th September, 2023, the Commissioner of School Education is personally present and has assured this Court that henceforth there shall be a timeline of four weeks within which, all applications for compassionate appointment/died-in-harness category shall be processed. It has also been assured that all applications that are pending, shall also be processed immediately and a timeline would be prescribed for disposal of such applications.
2. We feel that all applications for compassionate appointment shall be disposed of within four weeks from the date of application and in any event within two months. The Commissioner shall take steps accordingly.
3. We record our appreciation for the affidavit filed by the Commissioner recommending the appointment of the petitioner to the post of Group-D subject to approval of Finance Department for relaxation of the provision of the

Notification No. 697-ES dated 9th July, 2009 as a special case.

4. We also appreciate that show cause notice has been issued and departmental proceeding has been initiated against the Sub-Inspector of Schools, Mira Circle.
5. We hope that the said departmental proceeding shall take to its logical end within a period of six months from date.
6. The Secretary, Nadia District Primary School Council also pointed out to the mischief of the Sub-Inspector of Schools, Mira Circle in not processing the application of Mayna Das.
7. The said two reports are taken on record.
8. In view of the facts narrated in the report of the Commissioner of School Education and acceptance of the said report, we do not feel it necessary that permission of any other authority would be required for such appointment.
9. We direct the West Bengal Central School Service Commission, to issue appointment letter in favour of the petitioner and the Finance Department, Government of West Bengal is directed to relax the provision of the Notification No. 697-ES dated 9th July, 2009 because of the special facts and circumstances of this case and in view of the fact that the petitioner was in no way responsible for the delay.
10. The aforesaid direction is peremptory.
11. With the above direction the appeal is allowed. The order

impugned is set aside. MAT 1093 of 2023 and the application are disposed of.

12. Personal appearance of the Commissioner of School Education is dispensed with.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Prasenjit Biswas, J.)

(Soumen Sen, J.)