

10.08.2023
Item No.31
Ct. No. 238
AKG

WPA 15245 of 2023
Ashis Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Siddhartha Sankar Mandal, Mr. Tirtha Pati Acharya, Ms. Arunima Das Sharma	...for the Petitioners
Mr. Amitava Chaudhuri, Mr. N. Roy, Ms. Deyasini Chakraborti	...for University
Mr. Supriya Chattopadhyay, Mr. Arindam Ghosh	...for the State
Mr. Amajit De, Mr. Pratik Acharjee	...for Respondent No. 5

The claim of the petitioners for compassionate appointment was turned down by the Director of Public Instruction, West Bengal by an order dated April 19, 2023. The said impugned order has been passed in compliance with an order dated May 11, 2023 passed by a Co-ordinate Bench of this Court.

The father of petitioner no. 1 was a Laboratory Attendant at Kandi Raj College, affiliated with Kalyani University, who died in harness on September 28, 2011. The primary reason for rejecting the claim of petitioner no. 1 is the absence of a scheme or policy for compassionate appointment in Kalyani University.

The said order dated April 14, 2023 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 petitioner no. 1 within one month from date.

(b) If the enquiry report justifies a compassionate appointment in favour of petitioner no. 1, the college shall recommend his 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 within one week thereafter.

(c) The Director of Public Instruction shall take a decision with regard to the compassionate appointment of petitioner no. 1 within six weeks

thereafter. The order should be communicated to petitioner no. 1 within seven days thereafter.

With the aforesaid directions, **WPA 15245 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)