

09.10.2023
SL No.42
Court No.8
(gc)

**MAT 1205 of 2023
CAN 1 of 2023**

**Shila Nandi Majumder & Anr.
Versus
The State of West Bengal & Ors. .**

Mr. Sayan De,
Mr. Sayan Kanjilal,
Mr. Koustav Shome,
...for the Appellants.
Mr. Supriyo Chattopadhyay, Adv.
Ms. Iti Dutta, Adv.
...for the DPSC.
Mr. Bhaskar Prasad Vaisya, Adv.
Mr. Suman Dey, Adv.
...for the State

1. The appellant No.1 is the wife and the appellant No.2 is the daughter of late Bikash Majumder. Sri Majumder was working as an assistant teacher at Aligara F.P. School under Banshihari Circle at Buniadpur, Dakshin Dinajpur. He died in harness on 14th September, 2012. Immediately thereafter we find four representations have been made with a request either to appoint the appellant No.1 or the appellant No.2 on attaining the majority. The appellant No.2 in the year 2013 was in Class-IX. She attained majority presumably in 2017. The representations have not been considered.

However, it appears from the endorsement on the letter dated 12th September, 2014 that the District Inspector of Schools (P.E.) has forwarded the said application, the Chairman of DPSC, Dakshin Dinajpur for his kind consideration and taking appropriate action. The daughter has attained majority. The application ought to have been considered according to the prevailing rules at the time of death of the husband of the appellant no.1.

2. We do not find any explanation from the respondents for not considering the said application in time. It is true that the writ petition was filed in the year 2022. However, having regard to the fact that the application was filed within the time and at the relevant point of time it was open for the respondent authorities to consider the application of the respondent no.1 for compassionate appointment in a suitable post, we dispose of the appeal by directing the Chairman, DPSC, Dakshin Dinajpur to consider the representation of the appellants. In considering the application, the authorities concerned shall take into consideration the financial condition of the

family and any other factors relevant in deciding the said application.

3. The appeal is allowed to the aforesaid extent.
4. The impugned order is set aside.
5. Accordingly, the appeal and the application stand disposed of.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)