

06.12.2023
SI No.68
Court No.8
(gc)

MAT 1234 of 2023
CAN 1 of 2023

District Primary School Council,
Uttar Dinajpur & Anr.
Vs.
Smt. Sweta Das (Lala) & Ors.

Mr. Biswabrata Basu Mallick, A.G.P.,
Mr. Sanjib Das,
Mr. Biman Haldar,
Ms. Sucheta Pal
... for the Appellants.
Mr. Kushal Chatterjee,
Mr. Debrup Choudhury
... for the Respondents.

1. The appeal is arising out of an order dated 2nd May, 2023 in a writ petition in which the petitioner has prayed for a direction upon the respondent No.6, District Primary School Council, Uttar Dinajpur for appointment to a suitable post under the compassionate appointment scheme. The learned Single Judge allowed the writ petition and directed the authority to give the petitioner the suitable appointment according to her academic qualification. This order is under challenge.
2. The learned Counsel for the appellants has drawn our attention to the financial statement produced by or on behalf of the writ petitioner during investigation of the

matter by the authority concerned to assess the financial distress of the writ petitioner and submits that in the report it has been categorically stated by the Chairman of the DPSC that apart from the fact that she is not residing at the address she has disclosed in the application. Her husband has sufficient means to maintain the family and accordingly on the basis of the disclosure made, it cannot be said that the petitioner is in financial distress. Admittedly, the petitioner is residing with her husband at Calcutta for a considerable period of time. Her husband is a deed writer. The bank statement disclosed before the authority concerned would clearly show that the husband of the petitioner has sufficient bank balance. Lump sum withdrawal by the husband of the writ petitioner proximate to the time when the writ petition was filed purposely to create an impression of financial distress cannot be accepted and appreciated. The husband had failed to offer any explanation for withdrawal of Rs.3 lakhs within a very short span of time and the source of the said fund. Moreover,

the husband has shares in Blue Chip companies.

3. On such consideration, we are of the view that the petitioner having failed to establish the financial distress is not entitled to compassionate appointment.
4. The order of the learned Single Judge is, accordingly, set aside.
5. The appeal succeeds.
6. Accordingly, the appeal and the application stand disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)