

10.8.2023

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WPA 16121 of 2023

Akash Burdathoki Chetri
Vs.
The State of West Bengal & Ors.

Mr. Somnath Adhikari
Mr. Biswajit Sarkar
... For the petitioner.

Mr. Debayan Sen
Mr. Nilay Baran Mandal
... For respondent nos. 3-4.

It is the grievance of the petitioner that his father was appointed as a security guard at Heramba Chandra College, Kolkata. He died in harness on December 08, 2017. After his death, the petitioner made a representation before the College for his appointment on compassionate ground. The College, however, has not taken any steps following such representation.

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)**, 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 the petitioner within two weeks from date.

(b) If the enquiry report justifies a compassionate appointment in favour of the petitioner, the college shall recommend the petitioner's 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.

(c) The Director of Public Instruction shall take a decision with regard to the compassionate appointment of the petitioner within six weeks thereafter. The order should be communicated to the petitioner within seven days thereafter.

However, it is made clear that the Director of Public Instruction shall not reject the case of the petitioner on the ground that there is no scheme in place for compassionate appointment. It is further made clear that the terminal benefits, if any, received by the petitioner will also not be a ground for rejection of the petitioner's case.

With the aforesaid observations, **WPA 16121 of 2023** is disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)