

Court No.
07.8.2023

(Item No. 37)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 16210 of 2019

Md. Mohidul Mondal

VS

The State of West Bengal & Ors.

Mr. D. K. Maiti

..... for the petitioner

Mr. Bhaskar Prasad Vaisya

Mr. Suman Dey

.... For respondent Nos. 1 to 5

The father of the petitioner was the **Headmaster at Taranipur High School (H.S.), District - Nadia.** The father of the petitioner died on **November 23, 2015.** The petitioner applied for compassionate appointment. The relevant school by its forwarding letter dated **February 24, 2017, Annexure P-2 at page 10** to the writ petition forwarded all the relevant records before the respondent No. 4 with a request to take necessary steps for the petitioner for compassionate appointment. No decision has yet been taken by the respondent No. 4.

Mr. Suman Dey, learned State counsel appears for respondent Nos. 1 to 5.

None appeared for the other respondents.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, to sub-serve justice the respondent No. 4 is directed to deal with the issue and dispose of the same on the basis of the records sent by the school through the forwarding letter dated **February 24,**

2017, Annexure P-2 at page 10 to the writ petition by passing a reasoned order in accordance with law after compliance of all the formalities required to be carried out by the respondent No. 4. In the event, any further documents or records are required to be produced, the petitioner and the relevant school authority (respondent No. 8 in the writ petition) shall be informed accordingly who shall produce the same before the respondent No. 4 for the reasoned decision to be passed by him.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 4 positively within a period of **six weeks** from the date of communication of this order.

In the event, the reasoned decision goes in favour of the petitioner, then the respondent No. 4 shall take all further steps by intimating the appropriate authorities the same and the appropriate authority shall take immediate steps within a further period of **four weeks** from the date of the said reasoned order to be communicated to them.

It is made clear that, this order shall not create any equity or right in favour of the petitioner if the petitioner is not eligible to receive his claim strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner and the respondent No. 4 shall be free to decide the issue in accordance with law.

On the above terms, this writ petition being **W.P.A. 16210 of 2019** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)