

07.8.2023

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**WPA 18027 of 2023**

**Soma Choudhury**

**Vs.**

**The State of West Bengal & Ors.**

Mr. P.S. Deb Barman

Mr. Golam Mohiuddin

Ms. Puja Mondal

... For the petitioner.

Let the affidavit-of-service filed by the petitioner be kept with the records.

It appears that the prayer of the petitioner for compassionate appointment has been rejected by the Director of Public Instruction, West Bengal, by an order dated June 02, 2023 primarily on the ground that there is no scheme in place for such compassionate appointment.

It appears that the husband of the petitioner was a Library Peon at Netaji Nagar College for Women, Kolkata, who died in harness on February 08, 2008.

On earlier occasion this Court by an order dated December 05, 2022, passed in W.P.A. 14695 of 2019 directed the Director of Public Instruction, West Bengal, to consider the case of the petitioner in accordance with law.

Following such order, the order impugned dated June 02, 2023 has been passed by the Director of Public Instruction.

In view of the judgment delivered in **WPA 23952 of 2022 (Sri Pritam Mallick vs. State of West Bengal and others)**, the order impugned dated June 02, 2023 cannot be sustained. The said order is accordingly set aside with the following directions:

The Director of Public Instruction, Government of West Bengal, shall reconsider the case of the petitioner for compassionate appointment within a period of six weeks from the date of communication of this order.

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 framed by the State or by the University for compassionate appointment.

The Director of Public Instruction shall also not reject the claim on the ground that the family of the petitioner has received the terminal benefits subsequent to the demise of the deceased employee.

A reasoned order should be communicated to the petitioner within seven days thereafter.

With the aforesaid observations, **WPA 18027 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.)

