

S/L 97
05.9.2023
Court No.26
SD

WPA 19712 of 2021

Saharuk Ahmed
Vs.
The State of West Bengal & Ors.

Mr. Md. Sarwar Jahan
Mr. S.N. Thander
Mr. Asif Mehdi

...for the Petitioner.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order passed by the District Inspector of Schools (S.E.), South 24 Parganas dated June 6, 2017 rejecting the prayer of the petitioner for compassionate appointment on the ground that the family income is not less than initial gross salary of Gr. D staff of State Government.

Counsel appearing on behalf of the petitioner submits that there is a discrepancy between the explanation given in Rule 1 and Rule 2 of Schedule V of the West Bengal School Service Commission (Selection of Persons for appointment to the post of Non-Teaching Staff) Rules, 2009.

He submits that in the case of a deceased person the financial hardship is calculated based on 40% of the family pension while in the case of permanently incapacitated person based on the total income of the family members. According to the petitioner, there is a discrepancy in the Rule and he accordingly wishes to challenge the vires of such Rule.

In light of the same, the petitioner is granted liberty to withdraw this petition and file fresh writ application on the

selfsame cause of action including the challenge on the grounds of vires of the said Rule.

With these above observations, WPA 19712 of 2021 is dismissed as withdrawn with liberty as given above.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)