

16.08.2023
Item No.165
Ct. No. 238
AKG

WPA 19144 of 2019
Biswa Sharma
Vs.
The State of West Bengal & Ors.

Mr. Satyajit Mondal,
Mr. Amar Nath Sen,
Mr. Molay Dhar

...for the Petitioner

It appears that the father of the petitioner was a Group-D employee at Fakir Chand College, Diamond Harbour. He died in harness on July 5, 2000. After his death, the college appointed the petitioner to a Group-D post on February 10, 2010. Thereafter the college sought approval from the Director of Public Instruction, West Bengal by various letters. Ultimately, by the order impugned dated April 19, 2017, the Deputy Secretary, Higher Education Department, Science & Technology and Bio-Technology, College Sponsored Branch rejected the prayer on the ground that there was no government order in place issued by the Department of Higher Education for compassionate appointment.

The said order dated August 4, 2022 is not sustainable and accordingly the same is set aside 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).

Accordingly, 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 one month 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 within one week thereafter.

(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.

With the aforesaid directions, **WPA 19144 of 2019** is disposed of.

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

(Kausik Chanda, J.)