

31.07.2023
Item No.8
Ct. No. 238
AKG

WPA 21917 of 2022
Amit Mitra
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari,
Sk. Imtiaj Uddin

...for the Petitioner

Mr. Amitava Chaudhuri,
Mr. N. Roy

...for DPI

It is the grievance of the petitioner that his father was a Group-D employee at Vidyasagar College (Day), who died in harness on September 7, 2017. On March 21, 2018, the petitioner's mother made a representation before the State for appointment on compassionate ground.

The claim of the petitioner for compassionate ground was rejected by the Director of Public Instructions by his order dated August 4, 2022.

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.

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.

Mr. Amitava Chaudhur, learned advocate appearing for the State submits that the judgment delivered in MAT 899/2022 has been challenged before the Hon'ble Supreme Court by Special Leave Petition. The said petition is pending before the Hon'ble Supreme Court.

I do not see any reason to accept the submission of Mr. Chaudhuri since the judgments delivered 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)** were not passed solely on the basis of the aforesaid Division Bench judgment.

With the aforesaid directions, **WPA 21917 of 2022** 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.)