

29 25.01.2023
Sc Ct. no.22

WPA 22002 OF 2022

Achintya Samanta

Vs.

The State of West Bengal & Ors.

Mr. Kamal Mishra

Mr. Subhadeep Maitra.

....For the Petitioner

Mr. Swapan Banerjee

Mr. Khairul Alam.

....For the State

Dr. Sutanu Kr. Patra

Ms. Supriya Dubey.

....For the SSC

Ms. Koyeli Bhattacharyya

....For the WBBSE

This order shall be effected only after impleading the West Bengal Board of Secondary Education as a party respondent in this writ petition.

Learned advocate on record for the petitioner by putting his signature shall implead the Board in the cause-title of the writ petition.

Ms. Koyeli Bhattacharyya, learned advocate has already appeared in this matter after being served with a copy of this writ petition.

The petitioner seeks ***compassionate appointment*** as the petitioner's father, viz. ***Dulal Chandra Samanta died-in-harness as an Assistant Teacher at Salika Damodarpur Primary School, District – Purba Medinipur.***

Mr. Kamal Mishra, learned advocate for the petitioner drawing attention to ***Annexure – P5 at page 29 to the writ petition*** submitted that the ***West Bengal Regional School Service Commission*** had already directed the ***respondent no.3*** to find out the ***vacancy status*** for such appointment. The respondent no.3 has not acted upon.

In view of the above, to subserve justice, the ***respondent no.3*** shall forthwith act upon the said communication dated ***August 30, 2022, Annexure P-5 at page 29 to the writ petition*** strictly in accordance with law and shall communicate the information to the West Bengal Regional School Service Commission positively within a period of ***four weeks*** from the date of communication of this order.

Depending upon the information to be furnished by the respondent no.3, the concerned State authorities shall take steps but strictly in accordance with law.

It is further made clear that this order shall not create any equity or right in favour of the petitioner if the petitioner is ultimately found ineligible 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.

On the above terms, this writ petition, **WPA 22002 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)