

05.10.2023
Item No. 26
Crt.No.22
b.r.

WPA 21465 of 2018
with
IA No. CAN 1 of 2020, CAN 2 of 2020,
CAN 3 of 2022, CAN 4 of 2022

Debal Tewary
-vs-
The State of West Bengal & Ors.

Ms. Malini Chakraborty
Mr. Kanak Kiran Bandyopadhyay
Ms. Shampa De
.... For the petitioner.

Affidavit of service filed in Court today is taken on record.

None appears for the respondents, despite notice.

The petitioner claims compassionate appointment.

The father of petitioner after working for about 20 years as an **Assistant Teacher** at a school **died on April 4, 1993** as would be evident from **annexure P-2, at page-21** to the writ petition. The widow of the deceased employee who is the mother of the petitioner on **April 21, 1993** applied for compassionate appointment for the petitioner, who was then **minor**. The petitioner became **major** in **2007** after **14 years** from the date of the death of the deceased Assistant Teacher and an application was filed by the petitioner on **February 6, 2008** seeking compassionate appointment **annexure p-6 at page-31** to the writ

petition. Thereafter some application was made for obtaining some informations under the provision of the **Right to Information Act, 2005 (RTI Act)** dated **December 28, 2017 annexure p-7 at page 32** to the writ petition which was replied by the appropriate authority on **February 23, 2018 annexure p-8 at page 33** to the writ petition.

Ms. Malini Chakraborty, learned counsel appearing for the petitioner refers to a document dated **February 28, 2018 at page-36** to the writ petition, a communication made by the relevant school to the **respondent no.3**. On these sets of facts, learned counsel for the petitioner submits that it is a fit case for granting compassionate appointment in favour of the petitioner and by not granting that the State authority has failed to exercise its discretion.

After considering the submissions made by Ms. Chakraborty, learned counsel for the petitioner and upon perusal of the materials on record, this Court first proceeds to discuss the law already settled on the issue.

Compassionate appointment cannot be claimed as of right. Compassionate appointment is a result of benevolent State policy. Compassionate appointment is not a mode of generation of alternative employment. The provision for such an appointment is made by the State to provide an immediate support to the family of the

deceased employee who died, so that the family members of the petitioner can immediately have a financial support for survival with at least two course of whole some meals.

Applying the said settled law in the given sets of facts of this case, this Court is convinced that the widow of the deceased employee sought to reserve the appointment for the petitioner and applied accordingly immediately after the death of the deceased as the petitioner was then minor. The petitioner became major in 2007 and he applied seeking such compassionate appointment thereafter as would be evident from page 31 to the writ petition in 2008. This clearly shows that the family could survive for about 14 to 15 years after the death of the deceased employee. Hence, there was no immediate financial requirement for survival of the family of the deceased employee on his untimely death. More so, the generation of alternative employment is not permitted by way of compassionate appointment.

In view of the foregoing discussions and reasons, this Court is of the considered opinion that this writ petition is totally devoid of any merit.

Resultantly, this writ petition **WPA 21465 of 2018 along with connected applications stand dismissed**, without any order as to costs.

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

(Aniruddha Roy, J.)