

21.08.2023

(S/L-8)

Ct.-18

(P. Jana)

W.P.A. 26186 of 2022

Hemal Besra

-Vs-

The State of West Bengal & Ors.

Mr. Tarapada Das, For the Petitioner.

Ms. Tuli Sinha, ... For the State.

Ms. Tuli Sinha, learned counsel for the State-respondents, files the instruction of the District Inspector of Schools (SE), Purulia, the respondent no. 4 herein bearing Memo No: 139/LS/PRL dated August 09, 2023, let it be kept with the record.

The petitioner, being the son of a deceased teacher of a Secondary School applied for compassionate appointment.

The mother of the petitioner, at the relevant point of time was receiving family pension of Rs. 13,620/-per month, which is more than the monthly salary of a Group-D staff as such the respondent no. 4, under his Memo bearing No. 865(l) dated September 30, 2015 had sought for instruction regarding the said prayer of the petitioner from the Commissioner of School Education, West Bengal, the respondent no. 2 herein.

The petitioner is complaining that the respondent no. 2 neither has returned his finding on the said Memo of the respondent no. 4 nor any action has been taken by the authorities on the said prayer of the petitioner.

Ms. Sinha, learned advocate for the State submits that the respondent no. 4, in his written instruction, has clarified that monthly family income of the petitioner is Rs. 13,435/- i.e. Rs. 12,601/- from family pension and Rs. 834/- from other sources, which being higher than the monthly salary of a Group-D staff, the petitioner is not entitled to the compassionate appointment.

Heard learned counsel for the parties. The monthly family income of the deceased teacher is a relevant consideration for the appointment of an heir of such deceased teacher on compassionate ground and the monthly salary of a Group-D staff under the Education Department is the yardstick to determine the said family income.

It appears from the materials on record that the family income of the petitioner exceeds the said yardstick, as such he is not entitled to get an appointment on compassionate ground.

WPA 26186 of 2022 is **dismissed** without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)