

19.12.2023
Sl No.65
Court No.8
(gc)

**MAT 2095 of 2022
CAN 1 of 2023
CAN 2 of 2023**

**The State of West Bengal & Ors.
Vs.
Hasirul Kamal & Ors.**

Mr. Bhaskar Prasad Vaisya, A.G.P.
Mr. Sagnik Chatterjee,
...for the Appellants.
Md. Sarwar Jahan,
Mr. Kaustav Roy,
...for the Respondent No.1.

Re: CAN 1 of 2023

1. There is a delay of 1722 days in preferring the appeal. However, the learned Counsel for the private respondent has submitted that the prayer for condonation of delay may be allowed and he is not opposing the prayer for condonation of delay.
2. By consent of the parties, the application for condonation of delay is allowed and disposed of.
3. The department is directed to register the mandamus appeal subject to compliance of all formalities.

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4. By consent of the parties, the appeal and the application are taken up together and disposed of by this common order.

5. The learned Counsel for the appellants submits that the post to which the writ petitioner was directed to be appointed, there is no rule of high school for the said post on compassionate appointment.
6. However, having regard to the fact that the petitioner was otherwise eligible for compassionate appointment, we dispose of this appeal by modifying the order of the learned Single Judge by directing the appellants to give suitable employment to the petitioner after taking into consideration all relevant factors to a post in terms of the rules within a period of eight weeks from date.
7. With the aforesaid observation, the appeal and the application are disposed of.
8. However, there shall be no order as to costs.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)