

20.12.2023
Item No.59
Ct. No. 238
AKG

WPA 28164 of 2023
Smt. Soma Barua
Vs.
The State of West Bengal & Ors.

Mr. Mrinal Kanti Sardar	...for the Petitioner
Mr. Gourav Das, Mr. Hemanta Kr. Das	
	...for the State
Mr. Suhrid Sur	
	...for Respondent Nos. 7 & 8
Mr. Nilotpal Chatterjee, Mr. Satyaki Banerjee	
	...for Calcutta University

The husband of the petitioner was a “Lab-Attendant (Physics)” at Dinabandhu Andrews College, Garia, Kolkata – 700 084, who died in harness on May 20, 2023. The said college is affiliated with the Calcutta University.

After the demise of her husband, the petitioner made an application before the Principal of the College on October 4, 2023, seeking her appointment on compassionate ground.

Mr. Mrinal Kanti Sardar, learned advocate appearing for the petitioner submits that the college authority forwarded the said application to the Director of Public Instruction, Govt. of West Bengal on October 15, 2023 has not yet been considered by the Director of Public Instruction.

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 petitioner within two weeks from date.

(b) If the enquiry report justifies a compassionate appointment in favour of 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.

(c) The Director of Public Instruction shall take a decision with regard to the compassionate appointment of petitioner within six weeks thereafter. The order should be communicated to 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.

With the aforesaid directions, **WPA 28164 of 2023** 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.)