

Court No. 22  
**24.8.2023**  
(Item No. 116)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 25720 of 2012**

Reshmi Banerjee  
VS  
The State of West Bengal & Ors.

Mr. Ekramul Bari  
Ms. Tanuja Basak  
.... For the petitioner

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

Despite notice dated August 23, 2023 pursuant to the direction of this Court dated July 11, 2023 served at the office of the learned Government Pleader, even today the State chose not to be represented.

The petitioner claimed compassionate appointment as her husband being an Assistant Teacher died in harness on **May 14, 2011**.

In the first round of writ litigation in **W.P. No. 4533 (W) of 2012** a co-ordinate bench passed its order dated **June 25, 2012, Annexure P-3** at **page 21** to the writ petition by which the respondent No. 3 was directed to consider the issue and take a decision after granting an opportunity of hearing to the petitioner within a time frame.

Pursuant to the said direction the respondent No. 3 passed its reasoned order dated **September 17, 2012, Annexure P-4** at **page 26** to the writ petition. The same is impugned in this writ petition.

On a scrutiny of the said reasoned order, this Court is of the firm opinion that, the reasoned order is too cryptic and does not depict the break up of income and whether the finding of the respondent No. 3 while passing the said impugned order was based upon any prior enquiry.

For those reasons the impugned order, in the considered opinion of this Court, is totally perverse and the decision making process is full of infirmities.

In view of the above, the said impugned order dated **September 17, 2012** stands **set aside** and **quashed**.

The respondent No. 3 shall carry out the direction of the previous co-ordinate bench mentioned in its order dated **June 26, 2012** in the manner and mode as directed therein and shall pass its reasoned order on the issue positively within a period of **four weeks** from the date of communication of this order.

The office report dated January 16, 2013 says that there was a direction for filing affidavit on December 12, 2012 but no affidavit-in-opposition was filed.

On the above terms, this writ petition being **WPA 25720 of 2012** stands allowed.

There shall, however, be no 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.)**