

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

WPA 92 of 2023

Milani Rava

Vs.

The State of West Bengal and Ors.

Mr. S. M. Obaidullah

Ms. Ankita Dey

...for the petitioner

Mr. Hirak Barman

Mr. Momenur Rahman

...for the State

Mr. Bikramaditya Ghosh

...for the SSC

Mr. Deborshi Dhar

...for the DPSC

Item No. 23

Judgment on: 02.02.2023

BIBEK CHAUDHURI, J. : –

Affidavit of service filed in Court be kept with the record.

The petitioner is the widow of one Ranjit Kumar Rava who was the Headmaster in Barasalbari A. P. School under Tufanganj –II Circle, Coochbehar. The husband of the died while in employment on 9th January, 2011. After the death of her husband the petitioner filed an application for

compassionate appointment before the competent authority in the post of the Assistant Teacher. Since the appropriate authority did not take any decision, the petitioner filed a writ petition being W.P. No. 663 of 2021 before the Hon'ble High Court and the High Court disposed of the said writ petition on 19th March, 2021, inter alia, by directing the respondent No.2 to take a decision with regard to compassionate appointment of the petitioner within a period of four weeks and the said decision will be communicated to the petitioner. Subsequently, upon hearing the petitioner, the Joint Secretary to the Government of West Bengal passed a reasoned order dated 6th September, 2021 holding, inter alia, that the petitioner does not have requisite qualification for the purpose of Assistant Teacher. However, he may be appointed on compassionate ground for the post of Group -C or Group-D. Therefore, the District Inspector of Schools (Secondary Education) was requested to take appropriate step for appointment of the petitioner in a suitable Group-D post on compassionate ground. However, the petitioner, though directed to file all necessary documents, was not given letter of appointment in

spite of submission of all his documents relating to her qualification. Subsequently on 27th June, 2022 the petitioner again made a representation before the Secretary, West Bengal Regional School Service Commission (Northern Region) and D.I. of Schools (S.E.), Coochbehar for favourable consideration and issuing appointment letter in Group –D post in her favour. The said representation was not considered as yet. Hence, the instant writ petition.

It is submitted by Mr. Ghosh, learned advocate on behalf of the West Bengal Central School Service Commission that the matter was taken up by the Assistant Secretary, West Bengal Regional School Service Commission, Northern Region. However, as there is no vacancy at present, the Commissioner of the School Education Department, Government of West Bengal is not in a position to recommend the petitioner for appointment on compassionate ground as well as when a vacancy occurs in the record of the compassionate appointment in the cadre of Group-D, the petitioner will be recommended for appointment. In support of his contention he refers to a letter dated 16th January, 2023 sent by the Assistant

Secretary, West Bengal Regional School Service Commission, Northern Region, Malda to the Secretary, West Bengal Central School Service Commission. Let the Photostat copy of the letter be kept with the record.

Having heard the learned advocates for the parties and considering the fact that the prayer of the petitioner has already been considered, the instant writ petition is disposed of directing the respondent Nos. 4 and 5 to recommend the name of the petitioner for issuing appointment in Group –D staff on compassionate ground as soon as vacancy occurs in the said cadre.

With the above direction, the instant writ petition is disposed of.

Since no affidavit is called for from the respondents, all the allegations made by the petitioner in the instant writ petition be considered as denied by the respondents.

There shall be no order as to costs.

The parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)