

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri  
Appellate Side**

**WPA 641 of 2023**

**Nasruma Anam Baby  
-versus  
The State of West Bengal & Ors.**

Mr. Saktipada Jana,  
Mr. Debjit Kundu  
... for the petitioner.  
Mr. Hirak Barman,  
Mr. Momenur Rahman  
....for the State.

Affidavit of service filed in Court today be kept with the records.

The petitioner is the widow of a deceased employee, namely Najmul Hoque. The said Najmul Hoque while working as an Assistant Teacher of Bala Danga New Primary School under the District Primary School Council, Coochbehar, died-in-harness on 2<sup>nd</sup> June, 2020. The petitioner has claimed compassionate appointment. After processing the petitioner's application, the District Inspector of Schools (SE), Coochbehar by a memo dated 22<sup>nd</sup> December, 2022 informed the petitioner and the District Inspector of Schools (PE), Coochbehar that two documents are required for finally considering the petitioner's case for compassionate appointment. The first document is the last working day certificate from the concerned Sub-Inspector (SI) of Schools and the other one being

affidavit mentioning no objection certificate from the remaining legal heir(s). The petitioner says that her case is pending final adjudication because of the non-availability of the two documents as aforesaid. The first document is required to be produced by the SI of Schools concerned. The only other document is the “no objection” certificate which is to be produced by the petitioner. The petitioner says that her mother-in-law is the only legal heiress of her husband, the deceased assistant teacher apart from herself. After the death of the petitioner’s husband, the relationship between the petitioner and her mother-in-law has soured. As a result whereof, a criminal case has been instituted by the petitioner against the mother-in-law (respondent no.5) and other in-laws. In view of such criminal proceedings, it is not possible for the petitioner to obtain no objection certificate from her mother-in-law. The petitioner also says that under the relevant scheme of compassionate appointment the spouse and the dependent children, if any, are entitled to be considered for compassionate appointment. The mother of the deceased assistant teacher is not entitled to be considered for compassionate appointment and as such her “no objection” is neither required nor can be called for. The petitioner, therefore, prays for her application to be considered without insisting upon the petitioner producing an affidavit of “no objection” certificate. That

apart, the petitioner's mother-in-law is a party and can easily be called upon by the District Inspector of Schools for her views. The petitioner, therefor, prays that the application for compassionate appointment made by the petitioner should be finally processed and the petitioner be given employment.

It is well-settled that compassionate appointment is not a matter of right but is a departure from the regular employment scheme to enable the family on losing its only bread earner to tide over the financial crisis. The compassionate appointment is granted strictly as per the scheme which is applicable at the time of death of the employee concerned.

In the aforesaid facts and circumstances, there is no question of passing any order or direction in the nature of Mandamus. The writ petition is, therefor, disposed of by directing the District Inspector of Schools to obtain the last working day certificate from the concerned SI of Schools and call upon the respondent no.5 to ascertain whether she is objecting the appointment being granted to the petitioner, if the applicable scheme requires her objection to be considered before reconsidering the petitioner's name. The concerned District Inspector of Schools shall complete this exercise within a period of 6 months from date. The concerned SI of Schools shall cooperate by providing the document under serial no.1 in memo

dated 22<sup>nd</sup> December, 2022 issued by the District Inspector of Schools.

With the above observation, the writ petition, being WPA 641 of 2023 stands disposed of accordingly.

All parties, including the respondent no.3, shall act on a server copy of this order duly downloaded from the official website of this Court without insisting upon production of certified copy thereof.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of usual formalities.

**(Arindam Mukherjee, J.)**