

Ct. No. 14
25.04
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A. 1074 of 2023
Smt. Mousumi Basak
-Versus-
The State of West Bengal & Ors.**

**Mr. Shamim Ul Bari
Ms. Keya Sutradhar ...For the Petitioner**
Ms. Tapati Samanta ...For the State Respondents

The petitioner states that Utpal Mohanta, since deceased, husband of the writ petitioner Smt. Mousumi Basak, was a Library Attendant of Additional District Library at Siliguri under the District Library Officer and Secretary, Local Library Authority, Siliguri Mahakuma Parishad Area.

The husband of the petitioner died in harness on 30th April, 2014 leaving behind him his mother namely, Smt. Shikha Rani Mohanta, Minor son Ritabrota Mohanta and the petitioner as widow. After the demise of their only bread-earner, the petitioner and her minor son are passing their days with acute financial hardship. It is almost impossible for them to sustain their livelihood.

Immediately after the death of her husband the writ petitioner made an application on 10th June, 2014 before the District Library Officer and Secretary, Local Library Authority, Siliguri Mahakuma Parishad area seeking appointment on compassionate ground. The petitioner furnished all the necessary documents including an affidavit with application. But since making the application, there is no response from the authority concerned. Because of this, the petitioner by making a number of reminders made appeal to the authority concerned to appoint her on compassionate

ground, but to no effect.

Under the aforesaid circumstances, the petitioner seeks necessary direction upon the authority concerned so that she may be appointed on compassionate ground under the died in harness category.

Learned Counsel appearing for the State respondents submits that the deceased Utpal Mohanta committed suicide by hanging, but such fact was suppressed by the petitioner in her writ application. Learned Counsel submits that because of the unnatural death, a complaint was made with the Officer-in-Charge, Matigara Police Station. In such premise, learned Counsel submits that the writ petition filed by the petitioner is liable to be dismissed at the threshold.

As I find from the writ petition as well as Postmortem report furnished by the learned Counsel for the State the petitioner's husband, Utpal Mohanta died by committing suicide. In the absence of any legal provision to the contrary, it may be held that the deceased died while he was in service.

Having heard learned Counsels appearing for the respective parties and on consideration of the documents on record, I feel that the writ petition may be disposed of by passing the following directions.

The District Library Officer and Secretary, Local Library Authority, Siliguri Mahakuma Parishad Area, being the respondent No. 3 is directed to consider and dispose of the representation dated 10th June, 2014 of the petitioner by passing a reasoned order after giving an opportunity of hearing to the petitioner or her representative and other

interested persons, if any, within six weeks from the date of communication of this order.

Once the order is passed, the respondent No. 3 shall communicate the order to the petitioner within seven days from the date of passing the order.

With the aforesaid directions the writ petition is disposed of.

Since, no affidavit-in-opposition has been invited the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

All parties may act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the parties on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)