

Calcutta High Court
In the Circuit Bench at Jalpaiguri

Appellate Side

05.01.2023

(SL 02)

(AK)

WPA 3334 of 2022

**Mehuli Deb
Vs.
The State of West Bengal & Ors.**

Mr. Narendra Nath Das
Mr. Pragyadip Roy Basunia
Mr. Pratyush Adhikary
Ms. Binapani Singha
Mr. Prakash Chandra Barman
Mr. Gobinda Roy

... for the petitioner

Mr. Hirak Barman
Ms. Bedashruti Bose

... for the State

The petitioner is aggrieved by an order of rejection of the petitioner's application for appointment of compassionate ground.

The order of rejection of the Additional Director (Personnel), Directorate of Health Services is of 3rd July, 2022.

The undisputed facts are that the petitioner's mother died in harness on 8th March, 2017 and the petitioner's father applied for a compassionate appointment. The petitioner's father's application has not been rejected till date.

The petitioner attained majority in 2019 and was informed of the particular format required for making an application on compassionate ground by a letter of the respondents dated 21st January, 2022. The petitioner applied thereafter on 16th March, 2022.

The reason given for rejecting the petitioner's application are two notifications. However, the later notification dated 1st March, 2016 which amends Clause 10(aa) with reference to an earlier notification of 3rd December, 2013 to the effect that a belated request may be considered by three member screening-cum-enquiry committee in exceptional circumstances.

The facts show that the petitioner applied soon after the communication of the State dated 21st January, 2022. Learned counsel appearing for the petitioner also submits that the delay was caused by onset of the pandemic.

Hence, these grounds should have been taken into account by the concerned respondents.

WPA 3334 of 2022 is, accordingly, disposed of by directing the respondent no.3 being the Director, Directorate of Health Service, Swasthya Bhawan to reconsider the case of the petitioner in light of the two notifications and any other

exceptional circumstances. The reconsideration shall culminate in a reasoned order which is to be passed within a period of four weeks from date and a copy of the reasoned order is to be made available to the petitioner within a week from the date on which such order is passed. The petitioner shall also given a hearing by the concerned parties/committee. The impugned rejection dated 3rd July, 2022 is quashed.

(Moushumi Bhattacharya, J.)