

08.02.2024
Item No.24
Court No.18
AJ.

W.P.A. 1675 of 2024
Sumit Majhi
-Vs-
The State of West Bengal & Ors.

Mr. Saibal Acharyya,
Mr. Pradip Paul,
Ms. Renesa Dey.

.....for the petitioner.

Mr. Supriyo Chattapadhyay, A.G.P.,
Ms. Iti Dutta.

.....for the State.

Mr. Kanak Kiran Bandyopadhyay.
.....for the WBCSSC.

Affidavit of service filed on behalf of the petitioner be kept with the record.

The father of the petitioner was a Head Teacher of Majhiara Primary School, District : Birbhum who died while in service on October 21, 2014.

The first application of the petitioner for compassionate appointment was rejected on the ground that he did not have the required qualification to be appointed as a teacher for which he applied for. The petitioner, subsequently on April 01, 2016 filed another application for such appointment in Group 'C' post.

The District Inspector of Schools (S.E.), District : Birbhum, the respondent no.9 herein by his Memo bearing No.1309 dated June 13, 2018 has rejected the said application of the petitioner on the ground that the financial hardship of the family of the deceased teacher is not established as per norms.

Mr. Acharyya, learned Counsel for the petitioner submits that the order is absolutely non-speaking, as such liable to be set aside on the said ground alone.

Mr. Chattopadhyay, learned Additional Government Pleader files copy of the instruction bearing Memo No.37/LS dated February 07, 2024 which he has received from the respondent no.9, let the said instruction be kept with the record.

It appears from the said instruction that one of the sons of the deceased teacher namely, Amit Majhi is an approved Assistant Teacher of a school though he had filed an affidavit stating that he is living separately from the family but his income was taken into account while assessing the family income of the deceased teacher.

The respondent no.9 has discarded the said affidavit holding that in assessing the family income such affidavit has no relevance in view of the provision of the existing Government Order bearing no. 697-ES/S/IS-18/2008, dated July 09, 2009.

The impugned memo though is bereft of reasons but the ultimate conclusion being correct, this Court is not inclined to interfere with it.

W.P.A. 1675 of 2024 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)