

WPA 961 OF 2020

Tahamina Khatun

-vs.-

The State of West Bengal & Ors.

Mr. Sutirtha Das

..... For the Petitioner

Mr. Shamim ul Bari

.... For the Respondent
Nos. 1 to 4/State

Mr. Sutirtha Das, learned counsel appears for the petitioner.

Mr. Shamim ul Bari, learned State counsel appears for the respondent nos. 1 to 4.

The petitioner claims compassionate appointment. The husband of the petitioner was an Assistant Teacher who died-in-harness on **December 20, 2016**. The petitioner applied on **December 22, 2016**. The authority rejected the claim for compassionate appointment by its impugned order dated **November 17, 2019, Annexure-P10 at page 45** to the writ petition on the plea that, the pensionary benefits earned by the family is above the ceiling limit as prescribed under the relevant State policy and also the petitioner is working as a Para Teacher and has been earning her salary. Accordingly, the claim of the petitioner was rejected.

This Court had the privilege to deal with an identical issue **In the matter of : Sarfaraj Ahmed -vs. -**

The State of West Bengal & Ors. dated **February 5, 2024** rendered in **WPA 4336 of 2014**. After discussing the law in detail this Court had observed as under :

*“ In the instant case there is a specific scheme for compassionate appointment in place of a deceased teacher which prescribes for a particular cut of income criteria to receive compassionate appointment. Inasmuch as, law is well settled that compassionate appointment is granted to the family of the deceased employee to meet the imminent financial crisis caused to the family due to the untimely death of the principle bread earner of the family. Thus, there is a justification behind framing the rules fixing the income criteria. The rules are mandatory. Inasmuch as, the relevant scheme fixing income criteria has not been challenged at any point of time by the petitioner. In the second round of writ litigation the scope of scrutiny of the impugned order is very limited. The scrutiny has to be restricted in the light of the previous order of the Coordinate Bench dated December 6, 2012 under which the respondent no.3 was directed to decide the issue in the light of the judgment of the Hon’ble Supreme Court **In the matter of: Govind Prakash Verma (supra)** . As discussed above, since the ratio **In the matter of: Govind Prakash Verma (supra)** has subsequently been declared by the Hon’ble Supreme Court not to be a good law any further, this Court shall not travel any further.*

*In view of the foregoing reasons and discussions, this Court is of the considered view that there is no infirmity in the impugned order passed by the respondent no.3 dated December 20, 2013 rejecting the claim of the petitioner for compassionate appointment. The said order dated **December 20, 2013** stands **affirmed** without any interference.*

*Accordingly this writ petition being **W.P.A. 4336 of 2014** stands **dismissed**, without any order as to costs.”*

Learned counsel appearing for the parties today informed this Court that, no appeal has been carried out from the said judgment and order rendered **In the matter of : Sarfaraj Ahmed (supra)**.

In view of the above, the decision of the authority rejecting the claim for compassionate appointment dated **November 7, 2019** stands ***affirmed***.

Accordingly, this writ petition being **WPA 961 of 2020** stands ***dismissed*** without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)