

Court No. 22

18.01.2024

(Item No. A-112)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 2308 of 2020

Md. Masidun Kobir

VS

The State of West Bengal & Ors.

Mr. Ekramul Bari

Mr. S. M. Ali

Sk. Imtiaj Uddin

..... for the petitioner

Mr. Pinaki Dhole

Mr. Pinaki Bhattacharyya

.... For the State

Mr. Kanak Kiran Bandyopadhyay

.... For SSC

The petitioner claims **Compassionate Appointment** since father has died-in-harness on **August 25, 2013. Annexure P-2** at **page 23** to the writ petition shows that the proforma for application seeking **Compassionate Appointment** was submitted by the petitioner on **October 20, 2013**. However, the issue is still pending before the respondent No. 8.

Mr. Syed Mansur Ali, learned counsel appears for the petitioner.

Mr. Kanak Kiran Bandyopadhyay, learned advocate appears for West Bengal Central School Service Commission and the Regional School Service Commission through their appropriate authority as impleaded in the writ petition.

Mr. Pinaki Dhole, learned State counsel appears for respondent Nos. 1 to 3.

Considering the submissions made on behalf of the parties and considering the materials on record the petitioner is directed to serve a copy of the writ petition along with a copy of today's order upon the respondent No. 8 positively within a period of **two weeks** from date.

The respondent No. 8 shall then upon issuing a prior hearing notice of at least seven days to the petitioner and respondent No. 3 shall decide the issue on the basis of the existing materials and the documents appended to the writ petition after granting an opportunity of hearing to the petitioner and the respondent No. 3 and then shall pass a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent No. 8 positively within a period of **six weeks** from the date of receipt of the writ petition and a copy of today's order. The respondent No. 8 shall then communicate the reasoned order to the petitioner and the respondent No. 3 within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner and the parties before the respondent No. 8 shall be free to urge all the points but not beyond the

materials existing before the respondent No. 8 of this writ petition.

In the event, reasoned decision goes in favour of the petitioner, the respondent No. 3 and all concerned authorities shall give consequential and further effect to the said reasoned order forthwith.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that, this order shall not create any equity or right in favour of the petitioner if the petitioner is not eligible to receive his claim strictly in accordance with law.

On the above terms, this writ petition being **W.P.A. 2308 of 2020** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)