

02.08.2024
Sl. No. 462.
M/L.
Mithun
Ct.No.18

WPA 5828 of 2023

Pratik Choudhury
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari,
Sk. Intiaj Uddin

...for the petitioner.

Mr. Avishek Prasad

...for the State.

Petitioner, being the son of a deceased employee of Ramakrishna Mission Vivekananda Vidyamandir, Malda (hereinafter referred to as the said School) has come up with the present writ petition for his appointment on compassionate ground due to untimely death of his father in harness. The father of the petitioner died on 13th October, 2018. An application was made for appointment of the petitioner on compassionate ground and the same was considered by the aforesaid School Authority vide resolution dated 6th December, 2018 and the Headmaster of the School forwarded the issue to the District Inspector of Schools (S.E.), Malda by a letter dated 20th December, 2021 for taking appropriate steps.

During course of hearing today, in reference to a memo dated 11th January, 2023 issued by the Deputy Director of School Education (G.A.) West Bengal , it has been submitted by the learned Advocate representing the State respondents that the benefit of appointment on compassionate ground due to death in-harness of teaching and non-teaching staff of the aforesaid school is not available since the said school does not come under the purview of the West Bengal School Service Commission Act, 1997.

In view of the submission made on behalf of the parties, the Court is required to consider the scheme which has been formulated by the respondent authorities for appointment on compassionate ground due to death in-harness of teaching and non-teaching staff working in Government aided schools in the State of West Bengal. A Rule called the West Bengal School Service Commission (Selection of persons for appointment to the post of non-teaching staff) Rules, 2009 has been framed in terms of Section 17(2)(d) read with Section 17(1) of the West Bengal School Service Commission Act, 1997 and the same was notified on 9th July, 2009. The procedure relating to appointment of dependent family member of the deceased teaching and non-teaching staff working in

Government aided school in the State of West Bengal has been provided in details in the said Rules of 2009. As per the relevant provisions of the said Rules of 2009, West Bengal School Service Commission and its authorities have been empowered to issue recommendation for appointment under compassionate ground.

Since the said school does not come under the purview of the West Bengal School Service Commission Act, 1997, the benefit of the said Rules of 2009 cannot be extended to the petitioner being the son of the deceased employee of the said school.

Accordingly, no relief can be granted to the petitioner and the writ petition stands dismissed.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)