

16.04.2024
Item No. 3
Ct. No. 238
AKG

WPA 7710 of 2024
Dipa Adhikari
Vs.
The State of West Bengal & Ors.

Mr. Ujjal Ray, Mr. Arpa Chakraborty, Mr. Sk. Abdur Rahim	...for the Petitioner
Mr. Sirsanya Bandopadhyay, Mr. Ritesh Kumar Ganguly	...for the State
Mr. Amitava Chaudhuri, Mr. Nirmalya Roy	...for Kalyani University

Mr. Amitava Chaudhuri, learned advocate and Mr. Nirmalya Roy, learned advocate, who usually appear on behalf of Kalyani University are requested to appear in this matter.

Let the appointment of Mr. Chaudhuri and Mr. Nirmalya Roy be regularised, in this matter.

The husband of the petitioner was a clerk at Asannagar Madan Mohan Tarkalankar College, Nadia affiliated to Kalyani University.

The husband of the petitioner died on 15th November, 2015 in harness while he was only 47 years of age.

Immediately after the death of her husband, the petitioner made an application before the college seeking appointment on compassionate ground.

The petitioner submits that following the application made by the petitioner, an enquiry was conducted by the college and the enquiry officer recommended her for compassionate appointment. The college thereafter by a letter dated March 16, 2016 forwarded all necessary documents to the Director of Public Instruction, West Bengal for her appointment.

It is the grievance of the petitioner that her application has not been considered.

Learned advocate appearing for the State argues that because of the belated approach of the petitioner, this writ petition should be dismissed.

It appears that the petitioner had made the application for compassionate appointment immediately after the death of her husband, but the respondents-authorities failed to decide the same. In such circumstances, the respondents cannot resist the prayer of the petitioner for her alleged belated approach to this Court.

Learned advocate appearing for the petitioner in this regard has rightly placed reliance upon the judgment in **2022 SCC OnLine SC 684 (Malaya Nanda Sethy Vs. State of Orissa & Ors).**

I am also of the view that the case of the petitioner is completely covered by a judgment of this

Court in **WPA 23952 of 2022 (Pritam Mallick Vs. State of West Bengal & Ors.)**.

In that view of the matter, this writ petition is disposed of with a direction upon the Director of Public Instruction, West Bengal to consider the case of the petitioner within a period of three months from the date of communication of this order.

It is made clear that the Director of Public Instruction, West Bengal shall not decline the compassionate appointment of the petitioner on the ground that there is no scheme in place for compassionate appointment or on the ground that the petitioner had received the terminal dues upon death of her husband.

With the aforesaid observation, **WPA 7710 of 2024** is disposed of.

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

(Kausik Chanda, J.)