

W.P.A. 8104 of 2024

**Niyati Mahara & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De,
Ms. Jamuna Saha ... For the petitioners.

Mr. K. J. Yusur,
Mr. Parikshit Goswami ... For the State.

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

The husband of the petitioner no. 1 and the father
of the petitioner no. 2 who was a Group – D staff of a
secondary school died-in-harness on June 23, 2010.

The petitioner no. 1 applied for compassionate
appointment on October 27, 2010 but same failed to
get the attention of the authorities for a long time, in
the meantime the petitioner no. 2 became major.

The petitioner no. 2 then prayed for her such
appointment to which the petitioner no. 1 has
consented by issuing no objection. They, however,
jointly filed a writ petition being W.P. 21118 (W) of
2017.

The said writ petition was disposed of on August
18, 2017 by directing the Commissioner of School
Education, Government of West Bengal, the
respondent no. 2 herein to consider and dispose of a
pending representation of the petitioner no. 2 praying

such appointment within the period of three months from the date of communication of the said order after affording opportunity of hearing to the petitioner.

The respondent no. 2 by the impugned order bearing Memo No. IC-S-465/17 dated April 27, 2018 has regretted the prayer of the petitioner no. 2 on the ground that she has applied for the compassionate appointment after expiry of the time prescribed under Schedule V of Rule 20 of West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-Teaching Staff) Rules, 2009.

This Court does not find any illegality and/or infirmity in the order impugned besides the delay in challenge is also fatal.

W.P.A. 8104 of 2024 is therefore dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of the Court.

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.)