

WPA 8049 of 2017

**Rosnara Bibi
Vs.
State of West Bengal & Ors.**

**Mr. Biswaroop Biswas,
Mr. Kamal Mishra,
Mr. Subhadeep Maitra.
... for the petitioner**

1. The writ petitioner is the daughter of the erstwhile Group-D staff of Mandarpur High Madrasah, who has died on 17.01.2013, while in service.

2. The writ petitioner says that immediately after death of her father, her mother applied for compassionate appointment. The application for compassionate appointment of her mother was duly scrutinized and recommended by the School Authority and subsequently forwarded to the District Inspector of Schools, Secondary Education, Purba Medinipur for consideration. Ultimately, such application was rejected by the said concerned authority on the ground of over age of the applicant, at the time of making application as well as delay in making the application.

3. This prompted the writ petitioner to furnish a fresh application for compassionate appointment vide letter dated 16.06.2016.

4. Mr. Biswas, learned counsel appearing for the writ petitioner says that the application of the

writ petitioner vide letter dated 16.06.2016 has not been considered by the said respondent authority.

5. He further says that the rejection of the earlier application of the writ petitioner's mother for compassionate appointment was done on the erroneous application of the rules.

6. He further says that the mother of the present petitioner applied at a permissible age but due to delay caused by the authority, in considering the application, she had ultimately crossed the permissible age limit for appointment. He says that the delay caused in considering the said application by the concerned respondent authority should not jeopardize the valuable right of the writ petitioner as well as the earlier applicant, for being considered for compassionate appointment.

7. He further submits that the former application being well within time, that should not have been kept pending for inordinate long period time by the concerned respondent and should have been considered immediately after Madrasah authority has sent the same to the respondent authority.

8. He has sought for an order upon the respondent authority for considering the fresh application of the writ petitioner dated 16.06.2016, for compassionate appointment.

9. No one is representing the respondent authority today when the matter is called on.

10. The present writ petitioner is the daughter of the person who died during employment with the said respondent Madrasah. However, the writ petitioner's case is based on the ground of alleged wrongful order of rejection of the prayer of initial applicant that is her mother.

11. The writ petitioner says that her mother's prayer was rejected on the basis of the erroneous consideration of the applicable rules as well as due to inordinate delay caused on part of the respondent authority, which caused her mother to be overaged, at the time of consideration of her prayer.

12. It appears from the record that the submissions made on behalf of the writ petitioner regarding the initial applicant being within age when applying for compassionate appointment, is not substantiated by any cogent document. The writ petitioner is unable to bring forward with sufficient material this fact on record.

13. Under such circumstances, the findings of the respondent authority of the initial applicant being overaged at the time of application, cannot be brushed aside.

14. The writ petitioner could have been the first applicant for praying for compassionate appointment, which she did not.

15. Now, after the person having died in the year 2013, the writ petitioner has come up with her prayer in 2016, which is sufficiently belated.

16. The reason for delay as the writ petitioner has tried to explain in this case, does not inspire confidence of this Court, in view of the discussions as made above.

17. On the premise as above, this Court finds no merit in the case.

18. The writ petition being W.P.A. 8049 of 2017 is dismissed.

19. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rai Chattopadhyay, J.)