

20.08.2024
Item No.158
Court No.18.
S. De

W.P.A. 9419 of 2023

Arpita Maity Mondal.

Vs.

The State of West Bengal & Ors.

Mr. K.M. Hossain,
Mr. Kazi A. Ali,

...for the petitioner.

Mr. Debjit Mukherjee,
Mrs. Susmita Chatterjee,

...for the State respondents.

Affidavit-of-service filed in Court is taken on record.

The matter relates to appointment on compassionate ground in favour of the wife of a deceased teacher who died in harness on 24th February, 2020.

The learned advocate for the petitioner submits that the petitioner is the wife of the deceased teacher who applied in terms of the relevant rules within the prescribed time for being appointed on compassionate ground. After receipt of application from the petitioner, the respondent authorities took steps and the District Inspector of Schools (SE), South 24-Parganas being respondent no.3, by issuing a Memo dated 2nd August 2022, requested the School Authority where the petitioner's husband was working, to supply certain documents. According to the petitioner, the

headmaster of the school vide letter dated 1st December 2022, forwarded the papers to the office of the concerned District Inspector of Schools (SE), South 24-Parganas. The grievance of the petitioner is, in spite of receipt of those documents from the School Authority, till date no decision has been taken by the respondent no.3.

State respondents are represented by the learned advocate who submits that letter is being sent by the learned advocate of the parents of the deceased teacher ventilating certain grievance against the petitioner which prevented the respondent no.3 to decide the entitlement of the petitioner to be appointed on compassionate ground. However, it has been submitted on behalf of the State respondents that proportionate death gratuity has already been released in favour of the parents of the deceased teacher.

Having considered the submission made on behalf of the parties, this Court is required to consider Schedule-V of the West Bengal School Service Commission (selection of persons for appointment to the post of non-teaching staff) Rules, 2009 wherein it has been specifically provided that in appropriate case, compassionate appointment can be offered to the spouse, son or daughter of the deceased teacher.

In view of the provisions as contained under Schedule-V of the aforesaid Rules of 2009, it can be

concluded that the parents of the deceased teacher are not authorized to raise objection against the claim of the petitioner to be appointed on compassionate ground. It is either the widow of the deceased teacher or the son or daughter who is eligible to be considered for appointment on compassionate ground.

In view of the aforesaid scenario, the respondent no.3 is directed to take final decision on the application of the petitioner seeking appointment on compassionate ground by four weeks from the date of communication of this order and in the event, the petitioner is found eligible to be appointed, necessary steps shall be taken by forwarding the decision to the concerned authority of the West Bengal School Service Commission for issuance of recommendation in favour of the petitioner. The decision to be taken by the respondent no. 3 shall be communicated to the petitioner by one week thereafter.

Accordingly, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis, on compliance of all formalities.

(Saugata Bhattacharyya, J.)