

15.01.2024
Sl. No. 30.
D/L.
Mithun
Ct.No.35.

WPA 11922 of 2019

Jamal Molla

Vs.

The State of West Bengal & Ors.

Mr. Biswarup Biswas

...for the petitioner.

Mr. Alok Ghosh,

Mr. Mihir Kundu

...for the KMC.

The petitioner, who is the dependent son of the erstwhile employee of Calcutta Municipal Corporation (Group-D), who has died during the course of his employment on 25th February, 2007, had applied for appointment of compassionate ground before the respondent authority. The date of application was 12th April, 2007.

The response of the respondent authority was vide its letter dated 21st July, 2014, where it had stated that the prayer of the petitioner had been rejected 'due to submission of false school leaving certificate'.

The petitioner, being aggrieved, has submitted a written representation seeking redressal of his grievance, that is, dated 27th November, 2015. The same also remained unattained. Hence, this writ

petition, seeking necessary direction of the Court, for redress of petitioner's grievance, as above.

Mr. Biswarup Biswas, learned Advocate appearing for the petitioner submits that the petitioner was initially a student of an unrecognized school namely 'Bhibhuti Bhusan Vidyamandir at Doardanga' of Chakdaha, Nadia. He says that later on the petitioner has shifted to 'Baidyapur Ramkrishna Vidyapith' of P.O.Baidyapur, P.S. Kalna, District: Burdwan in order to register himself with the said recognized school, to be eligible to appear in the Board examinations. However, it is submitted, that the petitioner could not finally appear before the Board and ultimately left his education at Class-IX from 'Baidyapur Ramkrishna Vidyapith' as mentioned above.

The school leaving certificate, issued by the 'Baidyapur Ramkrishna Vidyapith', though was not available to the petitioner, at the time of his making application before the respondent authority, for compassionate appointment, it is submitted on his behalf that the petitioner has been able to obtain the same during the subsequent course of time. As such, he is capable now to produce the same before the authorities, as a proof of his qualification, to satisfy it about his eligibility for the post.

It is submitted that the petitioner is duly eligible as per the settled rules for appointment on compassionate ground with the respondent authority in terms of his qualification and his prayer has been illegally and unreasonably rejected, causing his prejudice.

On behalf of the respondent, the ground of challenge as to the contention and prayer of writ petitioner has been of producing by him a certificate of qualification, pertaining to an unrecognized school, which would not be sufficient as the proof of his qualification and the authorities have termed the same as false certificate, to have been produced by the present writ petitioner.

So far as the school leaving certificate of 'Baidyapur Ramkrishna Vidyapith' is concerned, the same has never been produced before and considered by the respondent authorities.

Impugned order dated 21st July, 2014 is set aside.

It appears from the records that the petitioner had left the unrecognized school namely, 'Bibhuti Bhusan Vidyamandir' in order to join a recognized school, namely 'Baidyapur Ramkrishna Vidyapith' in Class-IX. A school leaving certificate of the petitioner,

issued by 'Baidyapur Ramkrishna Vidyapith' is available on record. It also appears from the letter of the respondent authority, dated 21st July, 2014, that the reasons for rejection for his candidature for appointment on compassionate ground has been non-acceptability of the school leaving certificate, submitted by him. It has been transpired too that the school leaving certificate has been obtained by the petitioner from 'Baidyapur Ramkrishna Vidyapith', after submission of his application for compassionate appointment, on 12th April, 2007.

In view of the attending facts and circumstances of the present case, it is found proper that the respondent authority be directed to dispose of petitioner's prayer made by dint of his letter dated 27th November, 2015, after affording an opportunity of hearing to the present petitioner and allowing him to show and submit all the necessary documents which may bare relevance for disposal of the matter.

The respondent authority shall dispose of the prayer of the petitioner as above, with a reasoned order, after affording opportunity to the petitioner as well as any other person as it thinks fit and proper, of hearing and within a period of four weeks from the date of communication of this order, to it.

With the above observations, **WPA No.11922 of 2019** is **disposed of**.

All parties shall act on the server copy of this order duly downloaded from the official website of the Hon'ble High Court, Calcutta.

(Rai Chattopadhyay, J.)