

24-06-2024
ct no. 13
Sl. 22
sp

WPA 12933 of 2022
Jayanti Patra (Maji @ Majhi)
-Versus-

The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay,
Mr. Anindya Bose,
Mr. Santanu Maji,
Mr. S. Das

..for the petitioner

Mr. Gourav Das

..for the State

Mr. Ranjan Saha

...for the DPSC, Paschim Medinipur

1. Affidavit-in-opposition filed by the State is taken on record.
2. The petitioner is the married daughter of late Bishnupada Patra, who was an Assistant Teacher under the DPSC, Paschim Medinipur. The petitioner's father died-in-harness.
3. The petitioner applied for compassionate employment under the Labour Department notification dated 3rd December, 2017 under Clause 3(d) of the Scheme.
4. It is stipulated thereat that the married daughter claiming compassionate

appointment should have been unmarried at the time of death of her father.

5. This Court, however, notes that by a decision of a Special Bench of this Court in the case of ***The State of West Bengal & Ors. Vs. Purnima Das & Ors.*** reported in ***2017 SCC Online Cal 13121***, it was held that married daughter in certain circumstances would also be entitled to compassionate employment.
6. It has been clarified in the aforesaid ***Purnima Das decision (supra)*** the State authorities must be satisfied that the applicant/married daughter should have been dependent on her father even after marriage and at the time of the death of the employee. The income and assets of the applicant's husband must also be ascertained by the State before allowing any application for compassionate employment by married daughter.
7. In the above circumstances, this Court directs the DPSC, Paschim Medinipur to ascertain the factors as enumerated hereinabove and for the said purpose, conduct a detailed enquiry.
8. Let a report be submitted by the DPSC, Paschim Medinipur to the Commissioner of School Education, who shall thereupon take

an appropriate decision in the matter. If the decision is in favour of the petitioner, let appropriate recommendation be sent to the Chairman of the DPSC who shall take appropriate steps, if necessary, by referring the matter back to WBBPE or WBBSE or to the D.I. of Schools, Secondary Education as the case may be.

9. Let the aforesaid process be completed by the respondents, within a period of 2 months from the date of communication of a copy of this order along with the writ petition.
10. With the aforesaid directions, the instant writ petition shall stand disposed of.
11. There shall be no order as to costs.
12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)