

27.06.2024.
Court No.13
Item No. 21
ap

W.P.A. No. 12915 of 2019
Bandana Maiti Pal
Versus
The State of West Bengal & Ors.

Mr. Sujit Saha.

...For the petitioner.

Mr. Ranjan Saha.

...For the DPSC, Paschim Medinipur.

Mr. Arjun Ray Mukherjee,

Mr. Pinaki Bhattacharyya.

...For the State.

1. The petitioner challenges an order dated 14th November, 2018 passed by the District Primary School Council, Paschim Medinipur. By the impugned order, the prayer of the petitioner for compassionate employment was rejected.

2. The facts of the case are that the petitioner's husband died on 5th March, 2011. The petitioner claims to have made an application for compassionate employment on 27th June, 2011. The application annexed to the writ petition does not bear any signature or receipt of the respondents. At page 27 being Annexure – P/11 to the writ petition is an application dated 8th August, 2014 received by the Sub-Inspector of Schools, Narajole-I Circle, Post Office – Daspur, District – Paschim Medinipur. The application was therefore made more than three years after the death of the husband/teacher.

3. It is in 2014 itself that no objection certificates were obtained from the petitioner's sons and a financial condition certificate was issued by the Daspur-I Panchayat Samity for all intents and purposes. Therefore, the petitioner's application must be treated to have been made beyond the period of two years of the death of the teacher, who died-in-harness.

4. Rule 14 of the West Bengal Primary Teachers Recruitment Rules, 2001 clearly prescribes that an application for compassionate employment must be made within a period of two years after the death of the teacher.

5. This Court, therefore, is of the view that the findings recorded by a Co-ordinate Bench of this Court in the order dated 3rd January, 2018 passed in W.P. No. 29244 (W) of 2017 are not borne out by the records.

6. The impugned order dated 14th November, 2018 passed by the Chairman, District Primary School Council, Paschim Medinipur, therefore, does not call for any interference by this Court.

7. The instant writ petition must fail and is hereby dismissed.

8. There will be no order as to costs.

9. 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.)