

24
10.09.2024
AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 16859 of 2024

**Sanjukta Das
vs.
The State of West Bengal & Ors.**

**Mr. Tarun Kumar Das.
Mr. Hari Pada Nayak.
... For the Petitioner.**

**Mr. Biswabrata Basu Mallick.
Mr. Sayan Ganguly.
...For the State.**

**Mr. Samiran Giri.
... For the DPSC, Purba Medinipur.**

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

Leave granted to the learned advocate for the petitioner to rectify the typographical error in mentioning the writ petition number in paragraphs 12 and 15 of the writ petition.

The rejection of the prayer of the petitioner for being appointed on compassionate ground on the reason that the monthly income of the family of the deceased Assistant Teacher exceeds the initial monthly gross salary of a Group D staff of the State

Government is impugned in the instant writ petition.

It has been submitted by the learned advocate representing the petitioner that the petitioner being the daughter of the deceased teacher does not have any independent source of income. The family receives some amount on account of family pension.

It is the specific contention of the petitioner that the annual family income of the petitioner is far less than the initial monthly gross salary of a Group D staff.

It has been argued that the calculation made in the impugned order is in accordance with ROPA 2009. At present ROPA 2019 is in vogue and if the payment of the family of the petitioner is calculated taking into account the benefit of ROPA 2019, then the monthly family income of the petitioner will be far less than the initial monthly gross salary of a Group D staff.

From the impugned order it appears that the same has been passed taking into account the notification of the year 2009. ROPA 2019 was not at all taking into consideration.

In view of the above, the impugned order dated 15th April, 2024 is quashed and set aside.

The District Inspector of Schools (S.E.), Purba Medinipur is directed to re-visit the issue of compassionate appointment of the petitioner in

accordance with the prevailing law at the earliest but positively within a period of eight weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the parties immediately thereafter.

The petitioner will be granted an opportunity of hearing to place all documents in support of her family income at the time of consideration of her prayer for compassionate appointment.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)