

12.07.2024
Court No. 18
Item No. 04
(Suvendu)

WPA 17089 of 2024

Sanghita Maity
-Versus-

State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty
Mr. Bidan Modak
.....for the petitioner

Mr. Supriya Chattopadhyay, Ld. AGP
Mr. Mrinal Kanti Ghosh
.....for the State

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
.....for the WBBSE

Affidavit of service filed on behalf of the
petitioner is taken on record.

Matter relates to appointment on
compassionate ground due to death of father of
the petitioner who was an Assistant Teacher in a
Government aided school. Father of the
petitioner died-in-harness on 10th April, 2012.

Subject matter of challenge is decision of
the District Inspector of Schools (SE), Paschim
Medinipur dated 19th September, 2014 whereby
the prayer of the petitioner for giving
appointment on compassionate ground was
spurned.

The learned advocate for the petitioner
submits that petitioner being one of the three

daughters of the deceased teacher is claiming appointment on compassionate ground in view of death of her father on 10th April, 2012. According to the petitioner, the decision taken by the concerned District Inspector of Schools is not in terms of the relevant provisions of the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-teaching Staff) Rules, 2009.

The prayer of the petitioner has been opposed by Mr. Chattopadhyay, learned Additional Government Pleader representing the State respondents on the ground of delay since the order was passed by the concerned District Inspector of Schools on 19th September, 2014 and the same has been challenged by presenting writ petition on 3rd July, 2024, precisely after ten years.

On perusal of the order dated 19th September, 2014, it appears that the concerned District Inspector of Schools arrived at conclusion that monthly income of the family of deceased teacher was higher than the initial gross salary of a Group -D staff at the material point of time. It has also been indicated in the impugned order that family pension of the

petitioner's mother was Rs. 14,380/- whereas the gross salary of a Group -D staff at the material point of time was Rs. 10,860/- .

In addition to the aforesaid point raised by the concerned District Inspector of Schools while refusing the case of the petitioner for appointment on compassionate ground, it needs to be taken into consideration that the order of the respondent authority dated 19th September, 2014 has been challenged by presenting writ petition precisely ten years after the said decision was taken.

It is true that there is no statutory period of limitation in filing the writ petition but it has been held in catena of decisions of the Hon'ble Supreme Court that the writ petition needs to be presented within a reasonable time which is three years.

Furthermore, it is a case of appointment on compassionate ground and the Hon'ble Supreme Court has also held in several decisions that the relevant factor is eradication of immediate financial hardship in the case of appointment on compassionate ground.

When family of deceased teacher survived for a period of ten years after the order was

passed on 19th September, 2014, it can safely be concluded that there is no financial hardship or requirement.

In view of aforesaid discussion, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)