

21.08.2024.

AGM

Sl. No.18

Ct. No.14.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 16527 of 2023

Dibakar Roy

Vs

The State of West Bengal & Ors.

Mr. Partha Sarathi Das,

Ms. Shanta Sarkar,

Mr. Debojyoti De.

.....for the petitioner.

Mr. Arindam Chattopadhyay.

.....for the DPSC, Nadia.

The petitioner prays for appointment on compassionate ground.

It appears that the application seeking appointment was filed beyond the prescribed period of two years. There has been a delay of two months in filing the application seeking appointment.

Learned advocate representing the Council relies upon the judgment delivered by a three Judge Bench of this Court on 25th September, 2012 in WP 4364 (W) of 2011 (**Piali Saha -Vs- The State of West Bengal & Ors**) wherein the Court held that when the legislature has fixed a time limit in relation to substantive law, the Court cannot take the task of the legislature and extend the time limit. The same amounts to amendment of the Rule. The Court does not have any power to amend the Rule framed by the Constitution.

The Court held that the time limit fixed in the Rule is a rigid one.

In view of the ratio laid down by the Larger Bench, the prayer of the petitioner to condone the delay in filing the application seeking appointment on compassionate ground, cannot be allowed.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)