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Ct. 18
09.04.2024

W.P.A. 18705 of 2023

**Abhirup Banerjee
Vs.
The State of West Bengal & Ors.**

Mr. Anindya Sunder Das,
Mr. Rittick Choudhury,
Mr. Ratul Deb Banerjee,
Mr. Subrata Mondal,
Ms. Deepsikha Tapadar ... For the petitioner.

Mr. Bhaskar Prasad Vaisya, AGP,
Mr. Sagnik Chatterjee ... For the State.

The father of the petitioner was an Assistant Teacher of Paikpara Ramkrishan High School (H.S.), District – 24 Parganas (South), who died-in-harness on May 01, 2020. The petitioner being the son of the said deceased teacher has applied for compassionate appointment in a Group – C posts at any Government aided school.

The District Inspector of Schools (SE), District – 24 Parganas (South), the respondent no. 3 herein under the Memo No. 498/Gen dated September 07, 2021(the impugned Memo) has rejected the said application of the petitioner on the ground that 60% of the family pension of the deceased teacher is Rs. 19,680/-, which is higher than the monthly income of a Group – D staff (Rs. 19,540/-) of the State Government.

Learned advocate for the petitioner draws my attention to the pension payment order issued in favour of the widow of the deceased teacher

wherefrom it appears that the said widow is receiving family pension @ Rs. 32,300/- per month, 60% of the said amount comes to Rs. 19,380/-, which is less than the monthly income of a Group – D staff of the State Government.

Mr. Vaisya, learned AGP, in his usual fairness submits that the application of the petitioner requires re-consideration.

The impugned memo dated September 07, 2021, therefore is set aside.

The respondent no. 3 is directed to re-consider the prayer of the petitioner for compassionate appointment in light of the observation made above and to pass a reasoned order within a period of six weeks from the date of communication of this order and the said decision be communicated to the petitioner.

W.P.A. 18705 of 2023 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of the Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)