

14.06.2024.
Court No. 13
Item No. 66
ap

W.P.A. No. 21225 of 2023

**Soumabrata Nandi
Versus
The State of West Bengal & Ors.**

Mr. Syed Shamsul Arefin,
Ms. Kaniz Kulsum.

...For the petitioner.

Mr. Biswabrata Basu Mallick, AGP,
Mr. Biman Halder.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is aggrieved by an order dated 28th June, 2023 passed by the District Primary School Council, Bankura rejecting his application for compassionate employment.
3. It appears that the petitioner's mother, namely, Saraswati Nandi, who was an Assistant Teacher of Belbandi Prathamik Vidyalaya, District – Bankura under Indus Circle, died on 11th June, 2016 in harness. The petitioner's father is also a Teacher in the same School. He retired on 31st January, 2014. After taking into account the family pension being paid to the petitioner on account of his deceased mother's service and family pension of the petitioner's father.
4. The District Primary School Council, Bankura found that at the time of the mother's death, total

family income of the petitioner was Rs.25,331/- well above the salary of a Group-D staff in the State Government which was Rs.12,840/-.

5. Even if the one removes the terminal benefits paid to the family on account of the death of Saraswati Nandi, the pension of the petitioner's father alone exceeds the salary of the Group-D staff.

6. The Rules of the State Government as contained in the Memo dated 23rd September, 2016 prescribe that the compassionate employment is considered only if the total income of family of deceased employee died in harness is below that of a Group-D staff in the State.

7. This Court notes that the impugned order has been passed in terms of the Circular dated 23rd September, 2016.

8. It is well-settled that compassionate employment can also not be claimed as a matter of right. It is required to be assessed strictly in terms of the prescribed Rules in that regard.

9. This Court, therefore, finds absolutely no infirmity in the impugned order. The petitioner's family is well and sufficiently secured financially and was and is not starving or falling into penury.

10. In those circumstances, the instant writ petition must fail and is hereby dismissed.

11. There will be no order as to costs.

12. 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.)