

ML 62
07.08.2024
Ct. No. 18
adeb

W.P.A. 22335 of 2022

**Md. Mehedi Hassan Mollah
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Mr. S.M. Ali
Sk. Intiaj Uddin

...for the Petitioner

Affidavit of service filed on behalf of the petitioner in terms of the previous order dated 18th July, 2024 is taken on record.

Matter was taken up for consideration on 18th July, 2024 when no one appeared for the respondents. In spite of service of notice upon the learned advocate representing the State-respondents today State is not represented.

In the writ petition decision of the District Inspector of Schools (SE) Nadia as contained in memo dated 29th June, 2022 is under challenge whereby prayer of the petitioner for appointment on compassionate ground has been rejected. The learned advocate representing the petitioner submits that the concerned District Inspector of Schools (SE) Nadia being the respondent no. 3 has not assigned reason in support of the decision which has been arrived at while rejecting the application of the petitioner.

Having considered the submissions made on behalf of the parties and on perusal of the materials available on record at first blush it appears that impugned order of the

respondent no. 3 is cryptic one. Why family income of the deceased assistant teacher was found to be more than the gross salary of Group-D staff working under Government of West Bengal was not spelt out in the decision of the respondent no. 3. What was the family income of the deceased teacher and what was the gross salary of the Group-D staff at the material point of time are also not disclosed in the impugned memo dated 29th June, 2022 in order to demonstrate that the family income of the deceased employee is more than the gross salary of Group-D staff.

In view of the aforesaid reasons the decision of the respondent no. 3 as contained in memo dated 29th June, 2022 stands set aside.

The respondent no. 3 is directed to take decision afresh on the application of the petitioner for appointment on compassionate ground by 8 (eight) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative. Decision to be taken by the respondent no. 3 shall be communicated to the petitioner by 1 (one) week thereafter.

The writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)