

S/L 14
14.05.2024
Court No.13
*Suvayan/
Sourav*

WPA No. 23429 of 2017

**Smt. Basanti Biswas
Vs.
The State of West Bengal & Ors.**

*Mr. Md. Sarwar Johan
Mr. Soumik Dey*

...for the petitioner.

*Mr. Bhaskar Prasad Vaisya, A.G.P.
Mr. Mrinal Kanit Ghosh*

...for the State.

Mr. Arindam Chattopadhyay

...for the D.P.S.C. Nadia.

1. The petitioner's mother, Sujata Biswas initially applied for compassionate employment which was rejected by the respondents. The mother challenged the rejection by filing WP 25772 (W) of 2010. The said writ petition was dismissed by the Single Bench of this Court vide order dated April 5, 2011. On an appeal being carried from the said order, a Division Bench of this Court by order dated September 20, 2011 in MAT 1030 of 2011 set aside the order of Single Bench and directed the respondents to consider the mother's case for compassionate employment by an order date April 18, 2012.
2. The D.P.S.C., Nadia rejected the same stating that the mother's claim was already rejected by order dated May 15, 2006. The said order of 2012 passed by the Chairman, D.P.S.C., Nadia has come to be challenged in the instant proceeding in the year 2017.

3. It is now well-settled that compassionate employment is not a matter of right and not a regular source of employment. It is aimed at providing immediate succour to the family of a deceased employee to prevent them from going into starvation and falling into penury.
4. The writ petition, filed in the year 2010 is itself hopelessly barred by delay and laches. Admittedly, the petitioner's father died in the year 1996 and her mother's prayer for compassionate employment was rejected in the year 2006 albeit communicated in the year 2012. The petitioner or her family appear to have survived well for long since 1996 till date.
5. No relief can therefor granted to the writ petitioner. The proceeding are vexatious and harassive.
6. Mr. Jahan, learned Counsel for the writ petitioner produces a communication dated April 5, 2024 issued by the D.I. (S.E.), Nadia asking the petitioner to submit documents. It is recorded in the said communication that the petitioner's application was rejected on May 15, 2006. There is reference to the order of the Single Bench and that of the Division Bench and the communication dated April 18, 2012 issued to the petitioner's mother. The use of the expression "petitioner" in said letter dated April 5, 2024 must be deemed to be referring to her mother, Sujata Biswas.
7. This Court directs the Commissioner, School Education to enquire into the matter to ascertain under what circumstances the D.I. (S.E), Nadia could have issued the letter being Memo No. 141/Law/SE/NAD.

8. Let the report be submitted by the commissioner of School Education to the Registrar General of this Court within a period six weeks from date.
9. Let a copy of this order be communicated to the D.I. (S.E) along with a copy of the letter dated April 5, 2024 by Mr. Vaisya, learned Counsel for the D.P.S.C, Nadia.
10. **WPA 23429 of 2017** is dismissed with costs assessed at Rs.5100/- payable by the petitioner to the DPSC Nadia.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Rajasekhar Mantha, J.)