

14.06.2024
Court No.13
Item No.82
AP

WPA 22091 of 2023

**Nurjahan Khatun
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Mr. S.S. Mondal
Mr. Sk. Imtiaz Uddin

... For the Petitioner.

Ms. Rama Haldar
Mr. Sabyasachi Bhattacharya

... For the State.

Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Haque

... For the Respondent No.4.

1. The petitioner is aggrieved by the fact that her application for compassionate employment has been rejected by the DPSC, Murshidabad.

2. The petitioner's mother, Motahara Begum, was an Assistant Teacher under the DPSC, Murshidabad and died-in-harness. Based on the above, the petitioner has applied for compassionate employment.

3. The matter was forwarded by the DPSC, Murshidabad to the District Inspector of Schools (SE), Murshidabad since the petitioner was not qualified to be appointed as an Assistant Teacher and should be considered only for a Group C or D post (non-teaching post) in a secondary school.

4. Mr. Md. Sarwar Jahan and Ms. Rama Haldar, learned counsel for the DPSC and the State respectively, have produced a communication dated 20th February, 2023 issued by the District Inspector of Schools (SE), Murshidabad declining compassionate employment to the petitioner even in the Group C and D posts on the sole ground that she is a married daughter.

5. The District Inspector of Schools (SE), Murshidabad has clearly committed error in-law. The issue of entitlement of a married daughter to compassionate employment is now well-settled by a Full Bench decision of this High Court in the case of ***State of West Bengal and Ors. Vs. Purnima Das*** reported in **2017 (4) CHN 362**.

6. What is, however, required to be considered in the case of a married daughter is that whether she was financially dependent on her mother even after marriage and whether the financial position of her husband is so poor that she is required to depend on her mother for sustenance.

7. In these circumstances, this Court takes on record the communication dated 20th February, 2023 issued by the District Inspector of Schools (SE), Murshidabad to the Chairman, DPSC, Murshidabad and the same shall stand quashed and set aside.

8. The matter is remanded back to the District Inspector of Schools (SE), Murshidabad for considering the case of the petitioner for compassionate employment in Group C or D post in secondary schools, as to whether she fulfils the criteria mentioned in the ***Purnima Das (supra)*** decision that are briefly discussed hereinabove.

9. Let an appropriate enquiry be made by the District Inspector of Schools (SE), Murshidabad and take a decision in the matter within a period of three months from the date of communication of a copy of this order. Let the decision of the District Inspector of Schools (SE), Murshidabad be communicated to the petitioner forthwith thereafter.

10. In the event, any adverse material is found against the petitioner in course of such enquiry, the same shall be confronted to her to enable the petitioner to controvert the same with sufficient evidence and documents.

11. With the aforesaid directions, the writ petition is disposed of.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)