

W.P.A. 23444 of 2024

**Pervin Sultana & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
Mr. Soumik Dey
Ms. Tapati Saha
...for the Petitioners

Mr. Supriyo Chattopadhyay
Ms. Sayantanee Bhattacharjee
...for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

By presenting this writ petition, *inter alia*,
petitioner has questioned memo dated 30th March, 2023
issued by the District Inspector of Schools (SE), Barasat,
North 24 Parganas whereby the prayer of the petitioner
for appointment on compassionate ground has been
refused. It is contended on behalf of the petitioner that
his father was an assistant teacher who went missing
which prompted the wife of the teacher to make
application for sanction of family pension. In terms of
Government Circular dated 12th February, 2004 family
pension was released in favour of the mother of the
petitioner by issuing Pension Payment Order dated 19th

July, 2022. It is submitted on behalf of the petitioner that when family pension was released in favour of mother of the petitioner upon treating petitioner's father as dead person with effect from 10th July, 2009 in that event petitioner being the son of the teacher is entitled to get the benefit of appointment on compassionate ground.

State-respondents are represented by Mr. Supriyo Chattopadhyay, learned Additional Government Pleader who submits that it appears in terms of Pension Payment Order dated 19th July, 2022 father of the petitioner was treated as dead person on and from 10th July, 2009 and family pension was released in favour of mother of the petitioner. Therefore, it is submitted on behalf of the State-respondents that the issue may be relegated to the Commissioner of School Education, West Bengal for taking fresh decision. However, at the same time it is submitted on behalf of the State-respondents that there is no provisions as contained in West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-Teaching Staff) Rules, 2009 to appoint the petitioner on compassionate ground since father of the petitioner went missing who was an assistant teacher of a Government aided secondary school.

Having considered the respective submissions made on behalf of the parties the order passed by the District Inspector of Schools (SE), Barasat, North 24

Parganas stands set aside and the issue is relegated to the Commissioner of School Education, West Bengal being respondent no. 2 for taking decision afresh after granting opportunity of hearing to the petitioner or his representative. Respondent no. 2 is directed to pass a reasoned order within a period of 8 (eight) weeks from the date of communication of this order and same shall be communicated to the petitioner by 1 (one) week thereafter.

Before parting with it needs to be recorded herein that the order of the concerned District Inspector of Schools (SE) as contained in memo dated 30th March, 2023 is set aside taking note of the submission made on behalf of the State-respondents this Court finds that the issue needs to be decided by the Commissioner of School Education, West Bengal.

With the above observations and directions, 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.)