

04-07-2024
ct no. 13
Sl.285
pk

WPA 22548 of 2011

Chandana Mondal and another
-Versus-
The State of West Bengal & Ors.

Mr. Ekramul Bari,
Sk. Imtiaz Uddin

...for the petitioners.

1. The petitioners are aggrieved by orders dated 18th May, 2011 passed by the D.I. of Schools (SE), Birbhum and the DPSC, Birbhum dated 14th October, 2011. By the said orders, the prayer of the petitioners' mother and daughter for compassionate employment on account of the death of Kartick Chandra Mondal on 22nd July, 2006 has been rejected. The ground for rejection indicated by the concerned D.I. of Schools is that the Class X certificate obtained by the wife of the deceased, Chandana Mondal was after two years of the death of her husband. Insofar as the application of the daughter is concerned, the same was not made within two years of such death.

2. It is reasonably presumed that the daughter was not qualified educationally within two years. The petitioners must have received terminal benefits on account of the death of Kartick Chandra Mondal. They are most likely receiving family pension.

3. The claim of the petitioners may have become infructuous by efflux of time since as on date the immediacy or urgency for compassionate employment for any of the two petitioners cannot be deemed to be existing.

4. In view of the dicta of the Hon'ble Supreme Court in the case of **State of West Bengal Vs. Debabrata Tewari** reported in **2023 Live-Law (SC) 175**, no relief can be granted to the writ petitioners.

5. Accordingly, the writ petition fails and is hereby dismissed.

6. There will be no order as to costs.

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

(Rajasekhar Mantha, J.)