

10.06.2024
Court No.13
Item No.27
AP

WPA 27017 of 2023

Smt. Haimanti Mandal
Vs.
The State of West Bengal and Ors.

Mr. Sankar Prashad Dalapati
Mr. Tamal Taru Panda
Mr. Safik Dewan

... For the Petitioner.

Mr. Biswabrata Basu Mallick
Mr. Ratul Biswas

... For the State.

1. The petitioner is aggrieved by an order dated 6th June, 2018 passed by the Commissioner of School Education, West Bengal refusing to consider the petitioner for the post of Assistant Teacher on compassionate ground.

2. Mr. Dalapati, learned counsel for the petitioner, would argue that the petitioner was never interested in the post of an Assistant Teacher. She would have been quite happy to serve in a Group C or Group D post in the State. She did not mention any post in her application.

3. This Court, however, notes from the chain of events that no relief ought to have been granted to the petitioner in the year 2015 in the first place much less today in 2024. The petitioner's father died-in-harness in the year 2010. The application for compassionate employment was made on 6th June, 2012, two years

after the death of the alleged sole bread winner in the family. The first writ petition was moved in the year 2015, when a Coordinate Bench on 13th October, 2015 directed to reconsider the petitioner's application for compassionate employment.

4. The impugned order was passed in the year 2018 rejecting the petitioner's case on the ground that she has no qualification as an Assistant Teacher.

5. The instant second writ petition is filed in the year 2023. The writ petition is itself hopeless and barred by delay, laches and very casual attitude on the part of the petitioner.

6. This Court is also of the view that the Commissioner of School Education in the impugned order has misdirected himself in at all considering a case of compassionate employment 8 years after the death of the petitioner's father.

7. It is now well-settled that compassionate appointment is not a regular source of employment. It is an exception thereto. It is aimed at providing temporary succor and financial relief to a family of the deceased sole bread winner, from falling into penury and starvation.

8. The chain of events indicated above and the lackadaisical attitude of the petitioner clearly and

unequivocally indicates that the petitioner's family was never in starvation or in financial distress. The question of consideration of the petitioner for compassionate employment eight years after the death of her father, and 14 years after such death before this Court today, therefore, illegal and improper. The same is contrary to the principles behind compassionate employment and its object and purpose.

9. In these circumstances, the writ petition fails and hereby dismissed.

10. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)