

22-04-2024
ct no. 13
Sl. 499
sp

WPA 34217 of 2014
Sagen Hansda
-Versus-

The State of West Bengal & Ors.

Mr. Soumik Ghosh,
Mr. Pradip Saren,
Ms. Saheli Hembrom

..for the petitioner

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

...for the State

Mr. Ranjan Saha

..for the respondent nos. 3 and 4

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner seeks compassionate employment on account of the death of his mother, Kajal Hansda, who died on August 1, 2012.
3. It appears from the record that application for compassionate employment was made two years after the death of his mother. There is, however, a no objection issued by the other legal heirs of late Kajal Hansda on October 10, 2012.
4. The principal prayers in the writ petition are two-fold. Firstly, to grant compassionate employment to the

petitioner as an Assistant Teacher and secondly, to exclude operation of circular dated February 25, 2014.

5. By the said circular, the State required candidates applying for compassionate employment who have Teacher Eligibility Test (TET) and obtained at least 55% marks thereunder. The petitioner has not chosen any other post than Assistant Teacher for compassionate employment.
6. The compassionate employment is an exception to the normal process of employment. It cannot be claimed as a matter of right. It is aimed at preventing a family from falling into penury and starvation upon the sole bread earner of the family dying.
7. It appears from the records that the family income of the petitioner was never assessed. The employment, if any, of the father of the petitioner has not been indicated. The prayer for compassionate employment even otherwise has become infructuous with the lapse of time. The writ petition has filed in the year 2014, two years after the death of the mother of the petitioner. the application itself is

belated. The question of considering the application for compassionate employment in the year 2014, 12 years after the death of the petitioner's mother, therefore, does not and cannot arise.

8. The argument of the learned counsel for the petitioner that he has been engaged newly in the matter and is not aware of the conduct of the proceeding before he accepted the brief, does not cut any eyes. It is the litigant who is the aggrieved party and is expected to pursue his remedies irrespective of whether his Advocates are taking steps or not.
9. In the backdrop of the above, this Court is not inclined to entertain the writ petition.
10. WPA 34217 of 2014 shall stand dismissed.
11. There shall be no order as to costs.
12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)