

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

35 10.4.2024
Sc Ct. no.2

WPA 757 OF 2024

Subhajit Roy

Vs.

The State of West Bengal & Ors.

Mr. Debajit Kundu

....For the Petitioner

Mr. Pretom Das

Ms. Bedashruti Bose.

....For the Respondents

State

Affidavit-of-service, filed in Court today, is taken on record.

The writ petitioner claims compassionate appointment since her mother **Smt. Maya Roy** who was working as a lady attendant at Cooch Behar College, District – Cooch Behar died-in-harness on **December 30, 2021** at **page 23** to the writ petition. The Legal Heir Certificate in favour of the petitioner is at **page 24** to the writ petition. The daughter of the deceased employee, viz., **Jolly Roy Paul** issued No Objection by way of an affidavit in favour of the petitioner is at **page 42** to the writ petition. The petitioner applied first time on

January 5, 2022, **page 20** to the writ petition. The petitioner then submitted the statutory format on **July 28, 2023 at page 13** to the writ petition. The college authority then forwarded the application before the respondent no.3, **Annexure-P1 at page 11** to the writ petition.

Mr. Debajit Kundu, learned counsel appearing for the petitioner submits that since then the respondent no.3 has not taken any step on the issue.

Mr. Pretom Das, learned State counsel appears for the respondent nos. 1 to 4.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record the respondent no.3 is directed to consider the application sent by the relevant college dated **September 4, 2023, Annexure-P1 at page 11** to the writ petition with a reasoned finding in accordance with law positively within a period of **four weeks** from the date of communication of this order.

The reasoned order then shall be communicated to the petitioner and the respondent no.6 positively within a period of **one week** from the date of the said reasoned order to be passed.

In the event the respondent no.3 requires any assistance from the petitioner and the college authority, the respondent no.3 shall call upon them for the same.

In the event the reasoned decision goes in favour of the petitioner then the respondent no.3 and the respondent nos. 5 and 6 shall give an immediate effect thereto but positively within a period of **three weeks** from the date of communication of the said reasoned order.

It is made clear that, this court has not gone into the merits of the claim of the petitioner in any manner and the respondent no.3 shall be free to decide the issue with its independent mind strictly in accordance with law.

It is made clear that, this order shall not create any right or equity in favour of the petitioner in the event the petitioner is not eligible to receive his claim for compassionate appointment strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition, **WPA 757 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)