

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 948 OF 2024

Esita Dey (Laha) @ Esita Laha Dey
Vs.
The State of West Bengal & Others

Mr. K.M. Hossain, Adv.
Mr. Kazi Ardan, Adv.

...for the Petitioner

Mr. Supriyo Chattopadhyay, AGP
Ms. Iti Dutta, Adv.

...for the State

Mr. Sunit Kumar Roy, Adv.

...for W.B.C.S.S.C.

Ms. Koyeli Bhattacharyya, Adv.
Mr. Bibek Dutta, Adv.

...for W.B.B.S.E.

1. In terms of the order dated 21st March, 2025, a report has been filed by the District Inspector of Schools (S.E.), Purba Medinipur dated 25th March, 2025 and same is taken on record.
2. On perusal of the report, it appears that on 1st March, 2024 District Inspector of Schools (S.E.) Purba Medinipur being respondent no.7 requested Head of the Institution of Sadi Rajendra Narayan High School, Purba Medinipur being respondent no.8 to forward necessary documents for taking steps based on application made by the petitioner seeking appointment on compassionate ground due to death of her husband on 15th August, 2019. It is also disclosed in the report that respondent no.8 *vide* letter dated 15th April, 2024 requested the

petitioner to submit certain documents which are mentioned below:

- a) Particular recommendation of any member of the family for service on compassionate ground.
- b) Original copy of non-claim declaration from other legal heir(s).
- c) Affidavit cum no objection from the 1st Class Magistrate in favour of the other legal heir(s).

3. It is also pointed by the learned advocate representing the petitioner that at the time of demise of the teacher *in-harness*, family of the deceased teacher comprised of petitioner being wife, minor daughter and aged mother of the deceased teacher.
4. In terms of Schedule V of West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-teaching Staff) Rules, 2009, only spouse, son or daughter is entitled to get appointment under *death-in-harness* category.
5. During course of hearing legal heir certificate dated 7th April, 2022 which is at page 20 of the writ petition has been relied upon issued by the competent authority wherefrom it also appears that there are three members in the family of the

deceased teacher – mother, wife (petitioner), and minor daughter.

6. In terms of relevant provisions of the aforesaid Rules of 2009, only petitioner being widow of deceased teacher is entitled to get appointment on compassionate ground since daughter is minor and mother is not eligible to get appointment on compassionate ground.
7. In view of aforesaid discussions, petitioner is not required to submit documents as asked for by the respondent no.8 *vide* letter dated 15th April, 2024.
8. Petitioner is directed to appear before the respondent no.7 on 14th July, 2025 at 12:00 noon and on said date and time respondent no.8 being Head of the Institution of Sadi Rajendra Narayan High School, Purba Medinipur shall also remain present along with necessary documents in order to assist the respondent no.7 to take decision on claim of the petitioner for appointment on compassionate ground. After hearing the petitioner and respondent no.8 and on perusal of relevant documents, respondent no.7 shall take decision on the claim of the petitioner for appointment on compassionate ground on 14th July, 2025. If respondent no.7 finds it is a fit case to recommend the matter to the concerned authority of the West Bengal School

Service Commission, such recommendation shall be sent to the Commission by ten (10) days thereafter.

9. With the above directions, writ petition stands disposed of.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)