

17.03.2025
Court No.13
Item No.3 to 5
sudipta

FMA 4437 of 2015

**Mostafa Karim & Ors.
Vs.
The State of West Bengal & Ors.**

With

FMA 4922 of 2015

**Kalibul Rahaman & Anr.
Vs.
The State of West Bengal & Ors.**

With

FMA 7 of 2016

**Mostafa Karim & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. A. Sengupta
Mr. Tirthankar Dey

...for the appellants

Mr. Tapan Kumar Mukherjee, Sr. Adv., Ld. AGP
Ms. Sangeeta Roy.

...for the State.

1. The instant appeals are directed against judgment and order dated 24th April, 2014 delivered by the Single Bench of this Court.
2. The writ petitioners/appellants in the three writ petitions are admittedly cousin brother, maternal uncle, uncle nephew, grand-father declared as uncle and grand-father sister who claimed to be

family members of the land loser. The land was acquired for the Teesta Project.

3. As such the writ petitioners/appellants in the three appeals, claimed employment as primary school teachers under the DPSC, Jalpaiguri in the EC category.
4. The claims were considered by the District Magistrate, Jalpaiguri. The DM by a reasoned order has found each of the appellants not to be family members and hence not entitled to the benefit of employment under the EC category.
5. The single Bench relied upon the definition of family under Section 14K(c) of the WBLR Act, 1955, as also the provisions of the West Bengal Services (Death-cum-Retirement Benefit) Rules of 1971. Reference is also made to the definition of family under Section 14K(c) upheld by the Hon'ble Supreme Court in the case of **Sasanka Sekhar Maity Vs. Union of India** reported in **(1980) 4 SCC 716**, particularly pages 531 and 532 thereto.
6. This Court is in complete agreement with the views of the Single Bench that the appellants do not come within the definition of family under the WBLR Act, 1955 were and consequently not entitled to jobs under the EC category in the

recruitment process of primary teachers by the DPSC, Jalpaiguri.

7. For the reasons stated hereinabove, the three appeals fail and are hereby dismissed.
8. Interim orders, if any, shall stand vacated.
9. Consequently, all connected pending application, if any, shall stand disposed of.
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.)

(Ajay Kumar Gupta, J.)