

S/L 2
13.02.2025
Court. No. 551
Suwayan

WPA 1376 of 2012

Sanjoy Ghorui
Vs.
The State of West Bengal & Ors.

Mr. Lalit Mohan Mahata, AGP
Mr. Ziaul Haque

...for the State.

1. None appears on behalf of the writ petitioner.
2. In course of his submission Mr. Mahata, learned AGP duly assisted by Mr. Ziaul Haque at the very outset draws attention of this Court to the orders dated 17.01.2025 and 13.02.2025 as passed by this Court in this writ petition. It is submitted by Mr. Mahata that pursuant to the direction passed by this Court on 17.01.2025 a report in the form of an affidavit was filed by the respondent no. 4 which was taken on record on 13.02.2025.
3. At this juncture, Mr. Mahata, learned AGP draws further attention of this Court to page no. 46 of the writ petition being a memo dated 20.08.2010 as issued by the Commissioner, Panchayats and Rural Development, West Bengal whereby and whereunder a three men committee was constituted to consider and to enquire into the genuineness of the prayer made by the writ petitioner for compassionate appointment. It is submitted by Mr. Mahata that by filing the instant writ petition the writ petitioner has prayed for quashing of the said memo dated 20.08.2010 with a further prayer for issuance of appropriate writ or writs upon the respondent authorities

to grant compassionate appointment to the writ petitioner.

4. In his next limb of submission Mr. Mahata also draws attention of this Court to page no. 22 of the report as submitted by the Superintendent of Police, DIB, Howrah Rural District. The relevant portion of the said report is quoted hereinbelow in verbatim:

“The incumbent submitted class VIII (Eight) Pass Certificate issued from Kankrai Gangadhar Shikshyatan, Vill – Kankai, P.O. – Pancharul, P.S. – U.N. Pur, Howrah. In course of enquiry of the certificate contacted to the Head Master of the said school and found that the certificate is not genuine. Further the Head Master of the said school certified that “as per admission Register of our school from the year of 1989 to the year 1994, there is no record of Shri Sanjay Ghorui S/O Late Kartick Chandra Ghorui of Vill – Shibpur, PO – Singti-Shibpur, PS – Udaynarayanpur, Dist- Howrah, Pin – 711226”. The copy of certificate vide Ref. No. KGS/V.R/823/2023 dated 07.02.2023 is enclosed herewith for ready reference.”

5. Drawing attention to page no. 5 of the report as submitted by the respondent no. 4 it is further submitted by Mr. Mahata, learned AGP that based on such report of the Superintendent of Police, DIB, Howrah Rural District it has been categorically stated by the respondent no. 4 that since the Class VIII Pass Certificate as submitted by the writ petitioner is found to be not genuine the writ petitioner cannot be considered for compassionate appointment for the relevant post since even for an

appointment in a Group – D post minimum requisite qualification is Class VIII pass. In support of the same Mr. Mahata draws attention of this Court to page no. 24 of the said report.

6. On perusal of the relevant notification dated 05.05.2009 at page nos. 24 and 25 it reveals that Clause 6 of the said notification clearly specifies that for Group – D post the candidates shall have to pass Class VIII.

7. In view of such specific report as submitted by the respondent no. 4 this Court finds no merit in the instant writ petition and accordingly, the instant writ petition being WPA 1376 of 2012 is dismissed.

8. There shall be, however, no order as to costs.

(Partha Sarathi Sen, J.)