

12.11.2025.
Item No. 29.
Court No. 13
ap

F.M.A. No. 369 of 2025
With
I.A. No. CAN 1 of 2025
Chaitali Roy (Mandal)
Versus
The State of West Bengal & Ors.

Mr. Kazi Sajjad Alam,
Mr. Afsana Khatun,
Mr. Moinul Thander.

...For the appellant.

1. Affidavit-of-service filed in Court today be taken on record.
2. The appellant is aggrieved by an order dated 9th January, 2025 passed by a learned Single Judge of this Court in W.P.A. 20811 of 2022.
3. The grievance of the appellant/writ petitioner was that Arambagh Municipality had recommended compassionate employment in her favour and the matter was referred to the Director of Local Bodies for permission. The Director of Local Bodies in turn has refused the prayer of the writ petitioner on the ground that the policy for compassionate employment hitherto existing for Municipality under the State is no longer available.
4. A learned Single Judge of this Court while referring to a decision of the Hon'ble Supreme Court of India in the case of **State of West Bengal – Vs. – Debabrata Tiwari & Ors.** reported in **2023(3) CHN (SC) 52** has held that compassionate employment is not a regular source of employment and can be

allowed only in terms of any Scheme or Policy existing therefor.

5. Since the policy for compassionate employment is no longer there in a Municipality in the State of West Bengal, the Director of Local Bodies has rightly rejected the prayer of the appellant.

6. Appointments made on compassionate employment also relied upon by the Counsel for the appellant cannot come to its aid since such appointment may have been made and the policy was in existing or contrary to law.

7. It is now well-settled that negative equality cannot be claimed by a person citing an example of illegal appointment.

8. In that view of the matter, this Court finds no reason to interfere with the impugned order.

9. F.M.A. 369 of 2025 must fail and is hereby dismissed.

10. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall stand dismissed.

11. There will 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.)

(Ajay Kumar Gupta, J.)

