

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 4844 of 2025

Smt. Bidya Pal

Versus

The State of West Bengal & Ors.

For the petitioner : Mr. Subrata Ghosh

For the State : Mr. Biplab Guha
Mr. Bishnu Pada Jana

For the Mission Director : Md. Sarwar Jahan
Ms. Mousumi Mitra
Ms. Tapati Sarkar

Heard on : 20.03.2025

Judgment on : 20.03.2025

JAY SENGUPTA, J:

This is an application praying for appointment of compassionate ground as a Sahayak in the respondent no.5 Tarapur Kupharpar Sishu Siksha Kendra.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. On 07.12.2010, the father of the petitioner applied before the respondent authorities praying for appointment of the petitioner in his place to save the family. Thereafter, the father who was a Sahayak in the respondent no.5 Kendra passed away. Following divorce with her husband, the petitioner applied for service on compassionate ground on 10.08.2011 before the respondent no.4. Further application made on 12.12.2012. On 21.03.2014, the petitioner sent a lawyer's notice to the respondent no.4 with a request to consider the case of the petitioner. The same was not considered by the respondent authorities.

Learned counsel appearing on behalf of the State relies on the report, denies the allegations made in the writ petition and submits as follows. There is no scheme for appointment of sahayak/ sahayika on compassionate ground. Moreover, the petitioner had sought prayed for consideration of petitioner's representation filed as far back in 2014.

Learned counsel appearing on behalf of the Mission Director opposes the prayer and submits that the prayer for compassionate appointment cannot be granted as there is no scheme in this regard for the particular service. The prayer of the petitioner to consider the earlier representation is also belated.

First, it is an admitted position that there is no scheme for compassionate appointment available in respect of the service of Sahayak/Sahayika in a Sishu Siksha Kendra.

Secondly, the petitioner prayed for consideration of her prayer last time in the year 2014. The essence of compassionate appointment is to grant immediate relief to the candidate or the family members. But, the petitioner has waited for about 10 years to make a prayer for considering her representation.

Therefore, I do not find any reason to intervene in this matter.

Accordingly, the writ petition is dismissed without any further order, even as to costs.

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)