

345(M/L).
18-08-2025
(Ct. no.18)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE**

WPA 5284 of 2024

**Priyangbada Palta (Maity) @ Priyangbada Maity
Vs.
The State of West Bengal & Ors.**

Mr. K. M. Hossain,
Ms. Keya Sutradhar
... For the Petitioner.

Mr. Susanta Pal,
Ms. Ananya Neogi
... For the State.

1. Affidavit-of-Service filed on behalf of the petitioner is taken on record.

2. In the writ petition, memo dated 22nd November, 2023 issued by the District Inspector of Schools (SE), South 24 Parganas is questioned whereby prayer of the petitioner for appointment on compassionate ground was rejected. It is pointed out by learned advocate representing the petitioner that sole ground based on which prayer for appointment on compassionate ground was rejected is that Competent Authority did not authenticate class-VIII pass certificate of the petitioner. Reliance is placed on Legal Heir Certificate issued by the District Magistrate and Collector, South 24 Parganas dated 1st August, 2022, in order to substantiate the case made out by the petitioner in this writ petition.

3. State respondents are represented by learned advocates who have drawn attention of this Court to a memo dated 22nd May, 2023 issued by the District

Inspector of Schools (SE), South 24 Parganas, being respondent no.3, addressed to the Additional District Inspector of Schools (SE), Diamond Harbour Sub-Division, thereby requesting the said Additional District Inspector of Schools to conduct an enquiry on the authenticity of the Transfer Certificate based on Admission Register, Attendant Register, Result Book and counterfoil of the Transfer Certificate of the school concerned and a report was sought for. It is submitted that doubt was expressed on genuineness of the Transfer Certificate dated 24th June, 1995 issued by the school authority where petitioner studied upto class-VIII.

4. At first blush, it appears that the impugned memo dated 22nd November, 2023 is devoid of cogent reasons and is a cryptic order. If respondent no.3 requested respondent no.4 to hold an enquiry in order to ascertain genuineness of the Transfer Certificate, in that event, outcome of such enquiry conducted by respondent no.4 ought to have been reflected in the impugned memo dated 22nd November, 2023. It also appears that Legal Heir Certificate issued by the concerned District Magistrate and Collector, South 24 Parganas, describing petitioner is possessing class-VIII pass qualification, needs consideration by respondent no.3.

5. In view of aforesaid shortcomings, impugned memo dated 22nd November, 2023 issued by the respondent no.3 is set aside. Respondent no.3 is directed to revisit the claim of the petitioner seeking appointment on compassionate ground and pass an order without being influenced by the previous memo dated 22nd November, 2023 by four weeks from the date of communication of this order. Before taking decision, opportunity of hearing to be

granted to the petitioner or her representative and petitioner shall also be at leave to rely upon supporting documents in order to substantiate genuineness of Transfer Certificate dated 24th June, 1995. Decision to be taken by respondent no.3 shall be communicated to the petitioner by fortnight thereafter.

6. The writ petition stands disposed of.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Saugata Bhattacharyya, J.)