

16.04.2025

Item No. ml. 55

Crt.No.02

b.r.

WPA 6854 of 2025

Raheja Bibi @ Raheja Khatun @ Reheza Bibi

-vs-

The State of West Bengal & Ors.

Md. Salahuddin

Md. Ahsanuzzaman

Md. Raziuddin

..... for the petitioner.

Affidavit of service filed in Court today, is taken on record.

The petitioner claims compassionate appointment. The husband of the petitioner has died in a train accident. It is submitted that compensation has already been awarded and received by the petitioner. It is further submitted that the State Government has come up with a policy for providing compassionate appointment to the eligible persons in connection with the persons who have died in the train accident.

None appears for the respondents, despite notice.

Referring to **annexures p-8 and p-9 at pages-24 and 25**, Md. Salahuddin, learned counsel appearing for the petitioner submits that out of **three** such dead persons, **two** persons claiming compassionate appointment have already been granted with the appointment and he submits that this documents will show that the matter was referred before the

appropriate authority and the same is pending since then.

In view of the above, the **respondent no.2** upon issuing a prior hearing notice of at least **seven days** to the petitioner shall consider the case after granting her an opportunity of hearing and by passing a reasoned order in accordance with law.

It is made clear that the petitioner shall be entitled to be represented along with her authorized representatives.

It is made clear that this Court has not gone into the merits of the claim of the petitioner or the statements made by the petitioner with regard to receiving of employment by similarly placed persons.

While considering the case of the petitioner, the **respondent no.2** shall first consider whether there is any prevailing policy to the effect and if so then whether the petitioner otherwise qualified thereunder in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.2 within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner and its authorized agent within a period of **one week** from the date of the said reasoned order.

It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner is found ineligible to receive her claim strictly in accordance with law.

In the event, the reasoned order goes in favour of the petitioner then all necessary and consequential steps including the appointment of the petitioner shall be taken place positively within a period of **three months** from the date of the said reasoned order to be passed.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 6854 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)