

29.04.2025
Court No. 18
Item No.06 (DL)
(**Suvendu**)

WPA 8571 of 2025

Ujjwal Kumar Roy
-Versus-

The State of West Bengal & Ors.

Mr. Himadri Sikhar Chakraborty
.....for the petitioner

Mr. Dipanjan Datta
Mr. Sayan Datta
.....for the State

Mr. Amitava Dhaudhuri
Mr. Pradipta Siddhanta
....for the WBBPE

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

Mother of the petitioner was primary
teacher who was declared physically
incapacitated on 13th September, 2018 by the
Zonal Medical Board, North Bengal Medical
College. On being declared physically
incapacitated, mother of the petitioner was
sanctioned pension but mother died on 10th
November, 2018. Subsequently petitioner being
son of deceased primary teacher applied for
appointment on compassionate ground on 25th
July, 2019 to the concerned respondent
authority. Petitioner prays for necessary
direction to consider his claim for appointment
on compassionate ground based on memo dated

28th October, 2024 issued by the Assistant Secretary, West Bengal Regional School Service Commission, Northern Region, Malda.

In consideration of claim of appointment on compassionate ground in connection with service of mother of the petitioner being primary teacher, Court is required to consider Schedule V of the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-Teaching Staff) Rules, 2009. On conjoint reading of Clause 1 and Clause 2 under Schedule V of the said Rules of 2009, it appears that right accrues in favour of the petitioner to make application for appointment on compassionate ground within a period of two years from the date on which mother of the petitioner was declared as physically incapacitated. In the present case, mother of the petitioner was declared as physically incapacitated on 13th September, 2018 and petitioner applied for appointment on compassionate ground on 25th July, 2019 which is within a span of two years from the date when mother of the petitioner was declared physically incapacitated. Moreover, case of the petitioner is fortified in consideration of the fact that mother of the petitioner died on 10th November, 2018.

The Commissioner of School Education being respondent no. 2 is directed to consider the prayer of the petitioner for appointment on compassionate ground afresh and pass a reasoned order by eight weeks from date of communication of this order. An opportunity of hearing shall be afforded before taking such decision and the decision to be taken by respondent no. 2 shall be communicated to the petitioner by ten days thereafter.

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)