

W.P.S.T. 80 of 2025

Sri Manoj Kumar Das
Vs.
The State of West Bengal & Ors.

Ms. Kakali Dutta,
Mr. S. Kundu

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. AGP,
Ms. Sangeeta Roy

...for the State

1. The petitioner is an applicant for compassionate appointment. His father died while in harness serving in the office of the Superintending Engineer, Northern Circles, P.W.D. at Malda. His father died while serving as a Roller Cleaner. There is no dispute that application was made for compassionate appointment within time and on the proforma prescribed. The claim, however, has been rejected by an order of 20.09.2022 issued by the Joint Secretary in the Public Works Department by assigning a reason that the petitioner was lacking in the required educational qualification for a Group-D post. The rejection was put to challenge by the petitioner by filing an Original Application before the West Bengal Administrative Tribunal ('S.A.T.' for short). The S.A.T. has accepted the rejection as a valid rejection in view of the fact that it is not in dispute

that the petitioner was a Class IV passed candidate whereas the minimum educational qualification is required for an appointment to Group-D post was Class VIII pass.

2. The learned counsel for the petitioner submits that there are provisions in the scheme for compassionate appointment enabling the appropriate authority to relax the minimum educational qualification for appointment to a Group-D on compassionate ground but in “eligible cases”.
3. It is submitted by the learned counsel for the petitioner that the Government servant left behind his wife, one daughter and two sons, all of whom were not educationally qualified for regular recruitment to a Group-D post. It is further submitted that several documents have been submitted as required in support of the income status of the family including income from any other sources. From the document submitted the penury being suffered by the family of deceased employee is apparent. However, the authorities have not considered the petitioner for grant of relaxation in the minimum educational qualification in terms of Clause 6 (b) of the Notification dated 3rd December, 2013.

4. Mr. Mukherjee, learned AGP submits that the authorities have rejected the claim after due consideration of all the documents submitted by the petitioner as apparent from the communication sent from the office of the Superintending Engineer, Northern Circles, P.W.D. to the Joint Secretary of the Department on 28.10.2021.
5. Upon considering the Notification dated 03.12.2013, the communication relied upon by the learned AGP dated 28.10.2021 and the order of rejection dated 20.09.2022, we find that rejection of the petitioner's claim is for the only reason that the petitioner did not possess the minimum requisite educational qualification. The order dated 20.09.2022 does not manifest any consideration of the other grounds regarding the indigence of the family and also whether in the above noted circumstances, the petitioner was entitled to relaxation in the minimum educational qualification. The order, therefore, does not withstand the test of the notification providing for such relaxation and consideration on all parameters.
6. We, therefore, find the order dated 20.09.2022 to be unsustainable. The same is quashed.

7. We direct the respondent no.1 to accord a comprehensive reconsideration to the petitioner's claim by taking into consideration the various parameters regarding which information is normally sought on the prescribed proforma, so as to assess whether the petitioner's claim is fit for grant of relaxation in educational qualification.
8. It is needless to say that if the respondent no.1 is of the view that relaxation is to be accorded then steps should be taken for expeditious appointment of the petitioner in accordance with law.
9. If on the other hand, the respondent no.1 is of the view that the petitioner is not entitled to such benefits, rejection of the claim should be by an order manifesting consideration of the claim on all the relevant parameters.
10. We direct that decision in this regard be taken within 03 (three) months from the date of receipt/production of a copy of this order.
11. The order of the S.A.T. dated 11.03.2025 in O.A. No. 619 of 2024 is set aside.
12. The O.A. and the present Writ Petition stands allowed in the above terms.
13. There will be no order as to costs.

14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)