

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

11 04.8.2025
Sc Ct. no.2

WPA 11389 OF 2025

Shyamiel Soren

Vs.

The State of West Bengal & Ors.

Mr. Soumik Ghosh
Mr. Pradip Saren
Ms. Saheli Hembram.

....For the Petitioner

Mr. Sk. Md. Galib
Ms. Priyamvada Singh.

....For the Respondents

Mr. Soumik Ghosh, learned Advocate appears for the petitioner.

Mr. Sk. Md. Galib, learned Senior Government Advocate with Ms. Priyamvada Singh, learned Advocate appears for the respondents.

On the prayer of learned State Advocate time to file report on affidavit stands extended till today. The report filed in Court today, is taken on record. Copy has been served.

Identically, on the prayer of the learned Advocate for the petitioner the exception in the form of affidavit, filed today in Court, is taken on record. Copy has been served.

The mother, **Fulmoni Saren**, is deceased who was an **Ex-Krishi Shramik**. The mother died during her employment on **June 20, 1996**. **Rabi Saren** being the

elder son applied for compassionate appointment on **July 15, 1999** and then in the prescribed format on **February 9, 2000**. Unfortunately, Rabi died on **January 15, 2021**, as would be evident from the relevant Death Certificate at **page 18** to the writ petition.

After the demise of Rabi the writ petitioner applied for compassionate appointment on **October 5, 2021** and finally in prescribed format on **November 3, 2021 at page 14** to the writ petition. The documents being **Annexures - P7 and P8 at pages 26 and 27** respectively to the writ petition being dated **August 2, 2023** and **May 31, 2023** show the recommendation of the concerned State Government Department for considering the case of the petitioner for compassionate appointment.

However, the State authority(s) by its impugned decision dated **April 22, 2024, Annexure - P5 at page 22** to the writ petition has **rejected** the claim for compassionate appointment of the writ petitioner principally on the plea that, the application of **Rabi Saren** was a **delayed** one.

After considering the rival submissions made on behalf of the parties and on perusal of the report and the exception filed thereto on record, it appears to this Court that, as late as in **2023** the State Government Department itself has recommended for consideration of the compassionate appointment of the writ petitioner. Those two communications, according to this Court,

prima facie show that, the employer State has principally agreed for a fresh consideration of the application submitted by the petitioner seeking compassionate appointment.

In view of the foregoing reasons and discussions the impugned decision rejecting the claim of the petitioner dated **April 22, 2024** at **page 22** to the writ petition stands **set aside** and **quashed**.

Accordingly, the **Director of Agriculture & Ex-officio Secretary, Department of Agriculture, Government of West Bengal** (hereafter the said Director) is directed to consider the claim of the writ petitioner once again afresh on the basis of the existing materials on record and in the light of the said two communications of the State Government Department dated **August 2, 2023** and **May 31, 2023, Annexures - P7 and P8 at pages 26 and 28** to the writ petition respectively by passing a reasoned decision in accordance with law on the issue.

The entire exercise shall be carried out and completed and the reasoned order shall be communicated to the petitioner by the said Director positively within a period of **eight weeks** from the date of communication of this order.

The petitioner shall serve a copy of complete set of the writ petition along with a copy of today's order upon the said Director forthwith.

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

In the event the reasoned decision goes in favour of the petitioner, then the appropriate authority(s) shall give an immediate effect thereto by taking all necessary and consequential steps in accordance with law.

It is needless to mention that in the event any assistance is required by the said Director from the petitioner, the petitioner being called upon shall render such assistance to the said Director.

With the above observation and direction this writ petition, **WPA 11389 of 2025** stands ***disposed of***, without any order as to costs.

The parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)