

04.08.2025
Sl. No. 25.
M/L.
Mithun
Ct.No.42.

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

WPA 12362 of 2023

**Mithu Baidya Sardar
Vs.
The State of West Bengal & Ors.**

Mr. Tapas Maity

...for the petitioner

Mr. Ansar Mandal, Ld. AGP,
Mr. Tanweer J Mandal

...for the State-respondents

By the present writ petition, the petitioner seeks for a direction upon the respondent authorities, particularly, respondent no.6, District Panchayat & Rural Development Officer to appoint the petitioner in a suitable permanent post on compassionate ground.

The petitioner contends that her father namely Moni Mohan Sardar was appointed as Secretary of Banganagar-I Gram Panchayat, South 24-Parganas on 19th May, 1980. While in service the father of the petitioner unfortunately died on 8th January, 2006 leaving behind his widow, two daughters and one son. The petitioner being the elder daughter of the deceased employee submitted a *proforma* regarding employment of the dependants of the government employees on 7th February, 2006 in the prescribed format praying for an appointment in die-in-harness category which was duly received by the respondent authorities. The petitioner

complied with all necessary formalities. Since the appointment of the petitioner on compassionate ground was not disposed of, the petitioner once again made an application on 15th July, 2015 seeking for her appointment on compassionate ground. The petitioner's subsequent application in the year 2015 was also not considered. Hence, this writ petition.

During the course of hearing, the State-respondents produced a letter of Assistant Secretary, Government of West Bengal, Panchayat and Rural Development Department dated 1st June, 2023. The State-respondents vide such letter conveyed its inability to accede to the proposal for appointment on compassionate ground in die-in-harness category in favour of the petitioner since the *proforma* of application was submitted after more than 9 years from the death of her father. As the said report was silent with regard to the earlier application submitted by the petitioner on 7th February, 2006, a further report was called for. On 7th July, 2025, the State took accommodation to produce the records pertaining to the application of the petitioner dated 7th February, 2006. This day the State files a further report wherefrom it reveals that though rigorous search has been made, the application of the petitioner dated 7th February, 2006 cannot be located.

Mr. Tapas Maity, learned Advocate for the petitioner submits that such application of the petitioner dated 7th February, 2006 was duly received by the

respondent authorities and the Deputy Director, Panchayat and Rural Development by his letter dated 6th July, 2006 asked the District Panchayat and Rural Development Officer to conduct enquiry in respect of the application of the petitioner. Since there was delay in disposing such application, the petitioner subsequently filed an application for her compassionate appointment on 15th July, 2015. The application of the petitioner for appointment on compassionate ground submitted on 7th February, 2006 was never considered which was made within the stipulated period. There is no such delay on the part of petitioner in submitting the application for appointment on compassionate ground. He seeks for appropriate direction upon the respondent authorities to consider the application of the petitioner which was made earlier on 7th February, 2006.

Mr. Tanweer J Mandal, learned Advocate for the State submits that the application of the petitioner dated 7th February, 2006 as on date could not be traced out. It will take some more time to trace such application. He leaves the matter to the discretion of the Court.

It is not in dispute that the petitioner submitted an application on 7th February, 2006 for her appointment on compassionate ground. On 6th June, 2006 vide memo no.1122 (Annexure P/3) the Block Development Officer, Falta Development Block has forwarded such application to the District Panchayat and Rural Development Officer, South 24-Parganas for

consideration. The Deputy Director, Panchayat and Rural Development on 6th July, 2006 has requested the District Panchayat and Rural Development Officer to enquire into the matter. Thereafter, such application of the petitioner dated 7th February, 2006 was never processed further. The application of the petitioner dated 7th February, 2006 was submitted within one month of date of death of her father. The report of the State shows that the said application could not be located as on date. Since the petitioner, at the first instance, submitted application within one month of the date of death of her father, the same needs consideration.

In view of the above, the writ petition is disposed of directing the petitioner to produce the copy of the application dated 7th February, 2006 along with its annexure to respondent no.7, Block Development Officer, Falta Development Block forthwith. Upon such submission of the copy of the said application and its annexures as aforesaid, respondent no.7, Block Development Officer, Falta Development Block shall take appropriate steps with regard to such application of the petitioner within a period of four weeks from date of submission of the aforesaid copy of the application.

It is made clear that the letter dated 1st June, 2023 of the Assistant Secretary to Government of West Bengal, Panchayat & Rural Development Department, rejecting the subsequent application of the petitioner made in the year 2015, will not stand in the way of

considering the application of the petitioner dated 7th February, 2006.

Learned advocate for the petitioner is directed to communicate this order to respondent no.7, Block Development Officer, Falta Development Block for necessary compliance.

With the above direction, the writ petition being **WPA 12362 of 2023** stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)