

19
16.07.2025
Ct. No. 18
adeb

W.P.A. 13341 of 2025

Rabisa Khatoon
Vs.
The State of West Bengal & Ors.

Md. Nauroz Rahber
Mr. Mohammad Jawwad
Ms. Shahin Parveen

...for the petitioner

Mr. Samimul Bari
Mr. Hemanta Kumar Das

...for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Wife of deceased Group-D employee of a Government aided school has come up with the present writ petition, *inter alia*, praying for sanction of terminal benefits including grant of appointment on compassionate ground since her husband died-in-harness on 19th December, 1996.
3. During course of hearing it is pointed out by the learned advocates representing the parties that on similar prayer another writ petition was instituted which was numbered as WPA 18461 of 1998 and

same was dismissed for default vide order dated 6th February, 2018 passed by a coordinate bench.

4. It is submitted by the learned advocate representing the petitioner that even after dismissal of the writ petition on 6th February, 2018 a memo was issued by the District Inspector of Schools (SE) Kolkata on 25th January, 2021 for submission of documents in order to consider prayer for appointment under death in-harness category.

5. It needs to be taken into consideration that District Inspector of Schools (SE) Kolkata may have issued a memo dated 25th January, 2021 relating to appointment on compassionate ground but that does not improve the situation since it is submitted that in the first writ petition being WPA 18461 of 1998 prayer was made for release of terminal benefits due to death of her husband and prayer was also made for appointment on compassionate ground. When writ petition was dismissed for default on 6th February, 2018 by the coordinate bench on identical issue another writ petition is not maintainable as the same is barred by *res judicata*.

6. Hence, present writ petition stands dismissed.

7. However, this order shall not preclude the petitioner to take steps in accordance with law in connection with the writ petition being WPA 18461 of 1998.

8. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)