

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12089 of 2025

Prakriti Das
-versus
The State of West Bengal & Ors.

Mr. Asit Kumar Bhattacharya.
Mr. Prahlad Chandra Ghosh.
Mr. Subir Hazra.
...For the petitioner.

Mr. Sayan Datta.
Mr. Subhojit Chowdhury.
... For the State.

1. The father of the petitioner was serving as an Assistant Teacher in a Higher Secondary School in the district of Murshidabad. He died in harness on 30th September, 2023.

2. The daughter of the deceased teacher seeks compassionate appointment. Her prayer stood rejected by the District Inspector of Schools by passing a reasoned order relying on the Government Order No. 697-ES/S/IS-18/08 dated 9th July, 2009.

3. According to the authority, the family pension that is received by the widow is more than the initial gross salary of a Group-D staff of the State Government for a month. The same is impugned in the instant writ petition.

4. Submission is that the authority ought not to take into consideration the amount payable on

account of family pension for considering the prayer for compassionate appointment.

5. In support of such submission reliance has been placed on the order dated 24th November, 2021 passed by the Court in **WPA 15954 of 2021** in the matter of (**Md Sahonowaz Ali –Versus- State of West Bengal & Ors**) wherein under similar circumstances the Court was pleased to set aside the impugned order of rejection for being considered for appointment on compassionate ground and remanded the matter back to the authority for fresh consideration.

6. In Md. Sahonowaz Ali (supra), the Court held that receipt of family pension cannot be a valid ground for rejecting the prayer of an eligible heir of a deceased for being considered for appointment on compassionate ground. The same cannot stand in the way of consideration of the case of the heir independently for grant of appointment on compassionate ground.

7. The prayer for compassionate appointment is to be considered without taking into consideration the amount received by the widow as family pension.

8. The facts of the present case being similar to the one in the matter of Md. Sahonowaz Ali (supra), the Court is inclined to pass similar direction in the instant case.

9. The impugned order of rejection passed by the District Inspector of Schools, Murshidabad on 24th April, 2025 is set aside.

10. The matter is remanded to the District Inspector of Schools for consideration of the prayer of the petitioner for grant of compassionate appointment strictly in accordance with the observations made

hereinabove and in line with law laid down by the Court in the matter of Md. Sahonowaz Ali (supra).

11. A decision shall be taken by the authority at the earliest but positively within a period of twelve weeks from the date of communication of this order.

12. An opportunity of hearing shall be granted to the petitioner prior to passing a final order in the matter.

13. The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

14. If the prayer of the petitioner is allowed, then the documents of the petitioner shall be forwarded to the School Service Commission without any further delay for taking necessary consequential steps.

15. The writ petition stands disposed of.

16. Instruction forwarded by the District Inspector of Schools (S.E), Murshidabad dated 5th December, 2025 be retained with the records.

17. Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)