

Sl. No.33
28.02.2025
Suman
Ct. 15

WPA 15961 of 2024

Jamal Molla
Vs.
The State of West Bengal and Ors.

Mr. Biswarup Biswas
Md. M. Sk.
..for the petitioner

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
..for the State

Mr. Alak Kumar Ghosh
Mr. Arijit Dey
..for KMC

The petitioner seeks compassionate appointment following the death of his father, who was employed by the Kolkata Municipal Corporation and passed away in harness on February 25, 2007.

The learned advocate for the petitioner submits that the petitioner made a representation to the Kolkata Municipal Corporation after his father's death; however, the Corporation failed to address the prayer within a reasonable timeframe. Eventually, by an order dated July 21, 2014, the petitioner's prayer was rejected, citing the submission of a forged Class-VIII pass certificate

from Bibhuti Bhusan Vidyamandir as the basis for the rejection.

The petitioner challenged this decision by filing WPA 11922 of 2019. In support of his claim, the petitioner presented a school-leaving certificate from Baidyapur Ramkrishna Vidyapith. By order dated January 15, 2024, a Co-ordinate Bench of this Court directed the Kolkata Municipal Corporation to reconsider the petitioner's prayer for compassionate appointment. In compliance with this order, the Corporation again rejected the petitioner's claim for compassionate appointment by an order dated February 28, 2024.

The order dated February 28, 2024, is the subject of the present writ petition. The learned advocate for the petitioner has contended that Bibhuti Bhusan Vidyamandir operated until 1996, where the petitioner completed his education up to Class VIII. Subsequently, he enrolled in Baidyapur Ramkrishna Vidyapith for Class IX, where he studied briefly before leaving the institution. To substantiate this, the petitioner's counsel referred to certificates from both Bibhuti Bhusan Vidyamandir and Baidyapur Ramkrishna Vidyapith, which are annexed as pages 22 and 23 of the writ petition. Based on these certificates, the petitioner's advocate

asserts that the Corporation should have accepted the petitioner's request for compassionate appointment.

Furthermore, the learned advocate argued that the Class-VIII qualification is not a necessary criterion for a Group-D position under the Kolkata Municipal Corporation, and therefore, the Corporation should have considered the petitioner's request, irrespective of the authenticity of the Class-VIII certificate.

On the other hand, the learned advocate for the Kolkata Municipal Corporation drew the Court's attention to a communication from the West Bengal Board of Secondary Education, appearing on page 31 of the Corporation's report, which explicitly states that no record of a school named Bibhuti Bhusan Vidyamandir exists in the Board's records. Additionally, reliance was placed on the reasoning provided in the impugned order dated February 28, 2024, which outlines the following points:

“V. (a) On 18.11.2014, the petitioner claimed that he was in fact literate and declared that he can read & write only. (b) On 27.11.2015 he claimed he read up to class VIII only. (c) 30.08.2017 he reiterated that he attended Bibhuti Bhusan Vidyamandir, Doardanga (d) on 13.09.2018 he claimed for job to the post of Mazdoor & (e) in the year 2019 he submitted before the Hon'ble Court that he attended Baidyapur Ramkrishna Vidyapith, Baidyapur, Kalna, Purba Bardhaman.

VI. Upon consideration, submissions of the petitioner and the Personnel Department of the K.M.C. along with the relevant record, it is clear that the petitioner herein did not claim on 18.11.2014, 27.11.2015, 30.08.2017 & 13.09.2018 that he attended Baidyapur Ramkrishna Vidyapith. Baidyapur even though the date of issuance of such Certificate from the school is found to be recorded as 22.10.2013. But he claimed differently on different point of time regarding his qualification suppressing material fact. Further it is an admitted fact that Bibhuti Bhusan Vidyamandir, Doardanga ceased its operation in the year 1997 but T.C. submitted by the petitioner was issued on 16.06.1998. and its verification reports were issued in the year 2013. Hence, the authenticity and genuineness of the T.C. and its verification report were questionable to be entitled for benefit. Accordingly, the earlier rejection of the prayer for job by the petitioner considering that the petitioner acted mala fide to be benefited by deceiving this Organization appears to be justified. The statement made in the letter dated 27.11.2015 that 'my prayer for job was rejected as because the school was not a Government recognized school', is totally false since it was rejected for submission of false School Leaving Certificate. Nothing is submitted or placed by the petitioner to contradict such fact. Hence, it is ordered that prayer of the petitioner for job dated 17.11.2015 on compassionate ground is rejected. Let the order be communicated to all the parties."

This reasoning highlights that the rejection of the certificate purportedly issued by Baidyapur Ramkrishna Vidyapith was due to the petitioner's inconsistent claims. As the petitioner's Class-VIII pass certificate was found to be fraudulent, the claim regarding his studies at Baidyapur Ramkrishna Vidyapith becomes irrelevant.

While there may be some merit in the petitioner's argument that Class-VIII is not a requisite qualification for a Group-D post, the petitioner's conduct cannot be disregarded. The

petitioner attempted to rely on a forged certificate in support of his prayer for compassionate appointment. Furthermore, it is notable that the petitioner first approached this Court seeking compassionate appointment in 2019, twelve years after his father's death. Compassionate appointments are intended to alleviate the immediate financial distress faced by the family of a deceased employee, and the delay in this case negates the urgency typically required for such prayer.

In light of the aforementioned considerations, I am not inclined to grant the petitioner's prayer for compassionate appointment. Accordingly, the prayer for compassionate appointment is rejected.

Consequently, **WPA 15961 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)