

WPA 17063 of 2021

Chirantan Halder

Vs.

The State of West Bengal & Ors.

**Mr. Sabyasachi Chatterjee,
Mr. Dinesh Chandra Mondal,
Mr. Debabrata Mondal,
Mr. Omar Faruk Gazi.**

... for the petitioner

**Mr. Supriya Chattopadhyay, Id. A.G.P.,
Ms. Sayantanee Bhattacharjee.**

... for the State

1. The petitioner is the legal heir of the deceased Assistant Teacher of Sirakole Yudhistir Nanilal High School (H.S.), who died on June 28, 2014, while on service.
2. At the time of death of his mother, the petitioner has been a minor.
3. Hence, his father submitted a representation before the respondent District Inspector of Schools, Secondary Education, South 24 Parganas dated March 23, 2015 for grant of employment to the petitioner, when he attains majority. After attaining majority the petitioner himself has submitted a further application dated July 20, 2021, for grant of compassionate appointment to him in place of his deceased mother.
4. Mr. Sabyasachi Bhattacharyya, learned counsel appearing for the petitioner has submitted that the said District Inspector of Schools, Secondary Education, South 24 Parganas has not considered

either of the applications made by the father and the petitioner respectively, as mentioned above, for grant of compassionate appointment to the petitioner.

5. He would further refer to the recommendation of the School Authority dated April 26, 2017 addressed to the said respondent, for grant of compassionate appointment to the present petitioner, when he attains majority.
6. Mr. Sabyasachi Bhattacharyya, learned counsel for the petitioner would seek that the application by the petitioner as above, should be directed to be considered by the said respondent authority immediately.
7. Mr. Supriya Chattopadhyay, learned Additional Government Pleader for the State has raised strong objections as to the contentions and prayer of the petitioner as above. She would say that in accordance with the rules, the petitioner would be eligible for applying for grant of compassionate appointment maximum for two years, from the date of death of the erstwhile Assistant Teacher.
8. She would say that admittedly in the present case, the petitioner has applied for grant of compassionate appointment beyond the said period.
9. Hence, she would say that the writ petition having no merit should be dismissed.
10. Considering the respective submissions of the learned advocates as well as the records, it appears that the prayer of the petitioner is now pending before the respondent District Inspector of Schools,

Secondary Education, South 24 Parganas for years together.

- 11.** So far as the petitioner being the legal heir of the deceased Assistant Teacher of the school named above, is not a disputed fact in the case.
- 12.** It is also not disputed that the said Assistant Teacher died during continuance of her service life.
- 13.** Hence, it is found proper to dispose of this writ petition by directing the respondent no. 3/District Inspector of Schools, Secondary Education, South 24 Parganas to immediately consider and disposed of the two applications dated March 23, 2015 as well as July 20, 2021, pending before it, the prayer for grant of compassionate appointment to the present petitioner and decide upon by dint of a reasoned order.
- 14.** In doing so, the said respondent would grant opportunity of hearing to the petitioner and consider the relevant documents.
- 15.** Let the exercise as above be concluded by the respondent no. 3 within a period of six weeks from the date of communication of copy of this order.
- 16.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 17.** With the above observations and directions, the writ petition being WPA 17063 of 2021 is disposed of, along with the pending applications, if any.

- 18.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)