

17.09.2025
Court No. 18
Item No.10
(Suvendu)

WPA 17632 of 2025

Mojammel Momin
-Versus-
State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Mr. Hasanuz Zaman Molla
.....for the petitioner

Mr. Pinaki Dhole
Mr. Avishek Prasad
.....for the State

Ms. Sumita Sen
Mr. Kaushik CHowdhury
....for the DPSC, Birbhum

1. Matter is heard in presence of learned advocates representing the parties.
2. In the writ petition memo dated 24th June, 2025 issued by the Chairman, Birbhum District Primary School Council is questioned whereby prayer of the petitioner for appointment on compassionate ground on Group –C post in a secondary/higher secondary school was rejected. Father of the petitioner was Head Teacher of a primary school who died in harness on 1st January, 2024. On 1st January, 2024 father of the petitioner attained age of sixty years

considering date of birth of father of the petitioner is 2nd January, 1964.

3. While deciding claim of the petitioner being son of a deceased primary Head Teacher, Chairman, Birbhum District Primary School Council proceeded on the premise as date of birth of deceased teacher is 2nd January, 1964 and he died on 1st January, 2024, therefore, petitioner is not entitled to be appointed on compassionate ground.

4. Issue is no more *res integra* in view of the judgment of this Court dated 26th February, 2025 delivered on a writ petition being **WPA 28275 of 2024 (Sk. Monikul Hossain Vs. The State of West Bengal & Ors.)** reported in **2025 (3)CHN (Cal) 220**.

5. In consideration of the facts involved in this writ petition, Court finds ratio of **Sk. Monikul Hossain** (supra) governs this case too. A copy of the judgment dated 26th February, 2025 delivered in **Sk. Monikul Hossain** (supra) duly signed by Assistant Registrar (Court) shall be retained on record.

6. Placing reliance on **Sk. Monikul Hossain** (supra) impugned memo dated 24th June, 2025 issued by the Chairman, Birbhum District Primary School Council is set aside.

7. Respondent authorities are directed to take necessary steps in accordance with law for appointment of the petitioner on compassionate ground, if petitioner is found otherwise eligible.

8. Writ petition stands disposed of.

9. There shall be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)