

S/L 18
09.09.2025
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 18325 of 2025

Manoj Kumar Sahu

Vs.

The State of West Bengal & Ors.

Mr. Osman Gani Mallick

...for the Petitioner.

Mr. Biswarup Biswas

Mr. Dhananjay Banerjee

Mr. Agniswar Chaudhury

...for the State.

Mr. Sunit Kumar Roy

...for SSC.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By presenting this writ petition, *inter alia*, petitioner has claimed appointment on compassionate ground due to the death of his mother in harness on June 22, 2018 who was Group-D staff of Lajpat Balika Vidyalaya (H.S.), Kolkata (hereinafter referred to 'said school authority').
3. Learned advocate for the petitioner submits after death of petitioner's mother on June 22, 2018, application for appointment on compassionate ground was made before the said school authority on September 12, 2018 and the then Headmistress of the said school issued acknowledgement on the same date.
4. Grievance of the petitioner is though application seeking appointment on compassionate ground was made far back on September 12, 2018, but till date decision has not been taken by the concerned respondent authorities on the claim of the petitioner seeking appointment on compassionate ground.

5. Learned advocate representing the State-respondents has placed before this Court a Memo dated July 01, 2025 issued by the District Inspector of Schools (SE), Kolkata and same is taken on record.

6. On perusal of said Memo dated July 01, 2025, it appears prayer of the petitioner for appointment on compassionate ground was rejected on the premise that petitioner could not file application within time as per relevant rules after the death of his mother.

7. It is submitted in reference to rules relating to compassionate appointment that application for compassionate appointment is required to be submitted before the concerned District Inspector of Schools (SE) within two years from the date of death of the employee which has not been done in the present case.

8. On consideration of the facts, it appears that petitioner made application for appointment on compassionate ground on September 12, 2018 before the said school authority after death of his mother on June 22, 2018 which is before completion of two years from the date of death of employee. It is not a case that petitioner did not make application for appointment on compassionate ground within period of two years rather application was made within the specified time of two years but instead of submitting application before the concerned District Inspector of Schools (SE), it was submitted before the said school authority where mother of the petitioner was working.

9. The said school being a Government aided recognized institution was required to forward application of the

petitioner dated September 12, 2018 to the concerned District Inspector of Schools (SE), Kolkata being respondent no.8 within a reasonable time but same was not done. It was the duty of the said school authority to forward the application of the petitioner dated September 12, 2018 to the respondent no.8 immediately after receiving the same from the petitioner. Therefore, delay occurred due to laches on the part of the said school authority not by the petitioner for which petitioner ought not suffer.

10. Vide Memo dated July 01, 2025 on the sole ground that application for appointment on compassionate ground was not submitted within the specified time of two years, same was rejected but it was not taken into consideration by the respondent no.8 that there were no lapses on the part of the petitioner in preferring application within stipulated time seeking appointment on compassionate ground. Said school authority made delay in forwarding application for appointment on compassionate ground to the respondent no.8.

11. Hence, Memo dated July 01, 2025 issued by respondent no.8 is set aside.

12. Respondent no.8 is directed to take decision on application of the petitioner seeking appointment on compassionate ground which is at page 21 of the writ petition by four weeks from the date of communication of this order and the decision be communicated to the petitioner by fortnight thereafter.

13. Hence, the writ petition stands disposed of.

14. There shall be no order as to costs.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)