

Form J(2)
Sl.No.19
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**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Aniruddha Roy

WPA 19617 OF 2025

Dinesh Barman

Vs.

The State of West Bengal & Ors.

For the petitioner : Mr. Yashraj Roy, Adv.

For the Respondents/
State : Mr. Amitabrata Roy, Ld. G.P.
Mr. Jaharlal De, Adv.
Mr. Sudipto Panda, Adv.

Heard on : September 16, 2025

Judgment on : September 16, 2025

Aniruddha Roy, J. :

1. Affidavit-of-service, filed in Court today, is taken on record.
2. The father of the petitioner is a State employee who alleged to have suffered permanent disablement. On this ground, the petitioner being the son of the said employee claims compassionate appointment.

3. The petitioner refers to the representation/application dated **September 10, 2024, Annexure-P6 at page 59** to the writ petition but the same has not yet been considered.
4. Learned Counsel for the petitioner has relied upon a particular notification dated **December 3, 2013, Annexure-P2 at page 27** to the writ petition and another gazette notification dated **March 1, 2016 at page 48** to the writ petition in support of his claim for compassionate appointment.
5. Mr. Jahar Lal De, learned Counsel with Mr. Sudipto Panda, learned Counsel appearing for the State submits that, the said notification dated **December 3, 2013** does not apply for the petitioner as the petitioner's father has not yet retired. The second notification dated **March 1, 2016** has no relevance in the facts of this case.
6. *Per contra*, learned Counsel for the petitioner has denied and disputed the submissions made on behalf of the State.
7. Considering the rival contentions of the parties, this Court is of the view that, upon verification of the records and documents and upon application of the prevailing policy and its applicability, the claim of the petitioner has to be decided with reasons by the appropriate authority as several factual matrix have to be gone into.
8. In view of the above, the respondent no.2 upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall decide the application of the petitioner,

Annexure-P6 at page 59 to the writ petition by passing a reasoned order in accordance with law.

9. The entire exercise shall be carried out and completed by the respondent no.2 positively within a period of **six weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioner within a further period of **two weeks** from the date of the said reasoned order to be passed.
10. The petitioner shall forthwith serve a copy of the writ petition along with a copy of today's order upon the respondent no.2.
11. It is made clear that, this Court has not gone into the merits of the rival contentions of the parties and all points are kept open for obtaining an independent decision to be taken by the respondent no.2 supported by reasons in accordance with law.
12. However, the claim of the petitioner shall not travel beyond the said application submitted by the petitioner at **page 59** to the writ petition.
13. In the event, the reasoned decision goes in favour of the petitioner all consequential and necessary steps shall be taken by the appropriate authorities positively within a period of **six weeks** from the date of the said reasoned order to be passed.
14. It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no.2 strictly in accordance with law.

15. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
16. With the above observations and directions this writ petition, **WPA 19617 of 2025** stands **disposed of**, without any order as to costs.
17. The parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)