26.03.2025
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Ct.No.654
sdas

WPA 20451 of 2024

Partha Pratim Jana
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya, Sr. Adv.
Mr. Aninda Bhattacharya
...for the petitioner

Mr. Supriyo Chattopadhyay, Learned AGP
Ms. Iti Dutta
... for the State

Dr. Santanu Kumar Patra
Ms. Supriya Dubey
... for the WBCSSC

This present writ petition has been preferred challenging the justifiability of the order dated 28th May, 2024 passed by the District Inspector of Schools (S.E.), South 24 Parganas rejecting the petitioner's prayer for compassionate appointment.

Mr. Bhattacharya, learned senior advocate representing the petitioner, submits that in calculating the family income of the petitioner, income from other sources has been assessed at Rs. 6,000/- per month. He asserts that there is no justification for this assessment of the family's income from other sources.

He further submits that the assessment was based on an income certificate issued by the concerned Panchayat authority, which certified that the total income of the family did not exceed Rs. 72,000/- per annum. He also submits that the certificate did not provide any basis for the concerned authority to assess the family's income at Rs. 6,000/- per month. Additionally, it is submitted that the final assessed income of the family was Rs. 20,113/- per month, although the cut-off mark, as per the notification referred to in that order, was Rs. 20,050/- per month.

Therefore, he argues that the petitioner's appointment on compassionate grounds has been denied solely because the family income exceeds the cut-off mark by Rs. 63/-. He contends that this decision is arbitrary and unjust, and as such, the order denying the petitioner's compassionate appointment cannot stand. He prays for a direction to the respondents to grant the petitioner appointment on compassionate grounds.

Mr. Chattopadhyay, learned advocate representing the State, submits that the Panchayat authority made the assessment based on a certificate produced by the petitioner himself. Referring to paragraph 4 of the writ petition, she states that the petitioner was asked to provide documents supporting his claim regarding the family income. In response, the petitioner submitted a certificate issued by the concerned Gram Panchayat, and the assessment of the family income was made based on the data mentioned in that certificate. She further submits that the respondents have not acted illegally in assessing the family income or in denying the compassionate appointment to the petitioner.

Heard the learned advocates representing the respective parties and perused the materials on record.

Record reveals that the petitioner’s father, an assistant teacher in a primary school, passed away in harness on 12th January 2022. The petitioner, who had passed the Higher Secondary Examination and was pursuing a D.L.Ed. course from a private college, applied for appointment on compassionate grounds. His application was processed, and by a communication dated 8th August 2023, respondent no. 3 requested the petitioner to submit the necessary documents to support his claim for compassionate appointment. In response to this communication, the petitioner submitted the required documents, including a certificate issued by the concerned Panchayat to demonstrate his family income. The certificate indicates that the petitioner’s family income does not exceed Rs. 72,000/- per annum from all sources.

The concerned authority, while assessing the family income in accordance with the applicable circular at the relevant time, determined the total income of the family to be Rs. 20,113/-. This amount comprised two components: sixty percent of the family income, which was calculated at Rs. 14,113/-, and income from other sources, assessed at Rs. 6,000/-. The total income was determined to be not less than the initial gross salary of a Group-D employee, set at Rs. 20,050/-, which serves as the yardstick for assessing the financial condition of a family seeking employment assistance on compassionate grounds.

Undoubtedly, appointment on compassionate grounds is not a rule, but rather an exception to the standard recruitment procedure. This exception has been carved out by the legislature through various schemes, with the underlying objective of helping the family of a deceased employee overcome the sudden financial hardship and distress caused by the untimely loss of the sole breadwinner. The financial hardship or crisis is first and foremost the criterion for determining whether it would be appropriate to extend employment assistance to a member of such a family on compassionate grounds in a particular case. There is a consistent line of authority on the principle that appointment on compassionate ground is given only for meeting the immediate unexpected hardship by reason of death of sole breadwinner of the family. It is not a source of recruitment and compassionate appointment is not a vested right. It is axiomatic that receipt of family pension will not disentitle a family from claiming appointment on compassionate ground but such family pension must be taken into consideration for assessment of the financial condition of the family.

In the present case, the family is receiving a basic pension of Rs. 22,350/- per month, along with dearness allowances of Rs. 677/- per month and Rs. 500/- per month, totaling Rs. 23,527/-. Admittedly, this amount exceeds the basic salary of a Group-D employee of the State. Therefore, considering this income and the current price index, it can be stated that the family is not in a state of penury or financial crisis that would require immediate employment assistance to sustain them. As such, it is not necessary to provide employment to the petitioner to help the family overcome a financial crisis. Even without considering the income certified by the concerned Panchayat authority, the basic pension received by the family every month is Rs. 23,527/-.

Therefore, considering these facts, I am of the view that the family is not in a financial crisis or in such a dire condition that would warrant the immediate extension of employment to help the petitioner overcome his family's financial difficulties. Hence, I believe the concerned authority has rightly denied the petitioner's request for compassionate appointment. I do not find any infirmity in the said order, and therefore, no interference is warranted in this writ petition.

Accordingly, the writ petition is dismissed. However, there will be no order as to costs.

(Partha Sarathi Chatterjee, J.)