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16.04.2025  
KAUSHIK

**MAT 1784 of 2024**  
**(CAN 1 of 2024)**  
**(CAN 2 of 2024)**

Basanti Biswas  
Vs.  
The State of West Bengal & Ors.

Mr. Sarwar Jahan  
Mr. Soumik Dey  
... for the appellant.

Mr. Arindam Chattopadhyay  
... for the DPSC, Nadia.

Mr. Bhaskar Prasad Vaishya, AGP  
Mr. Mrinal Kanti Ghosh  
Mr. M. K. Mondal  
... for the State.

CAN 1 of 2024

This is an application for condonation of delay.  
  
There is a delay of 69 days in preferring the memorandum of appeal.

Sufficient cause being shown for not being able to file the instant memorandum of appeal within the time of limitation, the delay of 69 days in preferring the memorandum of appeal is condoned. The prayer for condonation of delay is allowed.

CAN 1 of 2024 is, thus, disposed of.

By consent of the parties, the appeal and

application are taken up for hearing analogously and are disposed of by a common order.

The petitioner appellant filed the writ petition in view of alleged prayer on the part of respondent authorities in giving her compassionate appointment. However, it transpired from hearing of the writ petition that the mother of the writ petitioner challenged an earlier rejection order passed by the competent authority in WP 25772(w) of 2010 in which the said order of rejection was challenged. The writ petition filed by the mother was dismissed by the learned Single Judge on 5<sup>th</sup> April, 2011.

On an appeal being carried out by the said order, the Division Bench of this Court by an order dated 20<sup>th</sup> September, 2011 in MAT 1030 of 2011 set aside the order of the learned Single Judge and directed the respondent to consider the prayer of the mother for compassionate appointment. Thereafter, DPSC, Nadia rejected the same stating that the mother's claim was already rejected by an order dated 15<sup>th</sup> May, 2006. The said order of 2012 passed by the Chairman, DPSC, Nadia was challenged in the writ petition filed by the daughter in the year 2017. The learned Single Judge taking into consideration the inexplicable delay

on the part of the writ petitioner to challenge the decision applied the well-settled principal that compassionate employment is not a matter of right and not a regular source of employment and having regard to the fact that there is a considerable delay as the father of the petitioner has died in the year 2006 and the mother's prayer for compassionate appointment was rejected in the year 2006 albeit in the year 2012 dismissed the said application with cost. The reasoned order awarding cost appears to be that on the ground that the application of the petitioner was rejected on 15<sup>th</sup> May, 2006. The learned Single Judge directed the Commission's School Education to enquire as to whether the expression of the petitioner in the letter dated 5<sup>th</sup> April, 2014 must be deemed to be referring to the mother Smt. Sujata Biswas and not hers.

Learned counsel for the appellant submits that the cause of misunderstanding of the purport of the said rejection order a mistake was made in the writ petition. On such consideration by upholding the order of the learned Single Judge, we set aside the cost awarded in favour of DPSC, Nadia.

In view of the above, the appeal succeeds in part.

MAT 1784 of 2024 along with connected

application being CAN 2 of 2024 stands disposed of.

**(Soumen Sen, J.)**

**(Smita Das De, J.)**