

09.12.2025
(D/L-04)
Ct. No.4
(B.K.N.)

W.P.S.T. 242 of 2025
Manasi Bose (Kar Sarkar)
Vs.
State of West Bengal & Ors.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw,
Ms. Seema thakur

...for the Petitioner

Mr. Swapan Kr. Dutta, Ld. GP,
Mr. Rajat Dutta,
Mr. Tapas Kr. Roy

...for the State

1. Affidavit of service filed by the petitioner is taken on record.
2. Heard learned advocate for the writ petitioner and the learned advocate for the respondent State.
3. The petitioner is married daughter of the deceased government employee claiming an appointment on compassionate ground. The same was rejected by the authorities by a reasoned order dated 09.10.2025. Thereafter she invoked the jurisdiction of the West Bengal Administrative Tribunal by filing O.A. No. 603 of 2025 recently in the month of November, 2025. She has approached the Writ Court immediately after filing the Original Application before the Tribunal, since presently the Tribunal is not functional after retirement of the sole Member. There is no member available in the Tribunal.

4. We are conscious of the position that in an appropriate case of dire urgency or for any sufficient reason there may be an occasion for the Writ Court to consider a plea directly, since a party cannot be rendered remedy less due to non functioning of the Tribunal.
5. We do not find any such situation here. The rejection order has been passed recently on 09.10.2025 and the Tribunal's jurisdiction has been invoked just last month in the month of November, 2025. We, therefore, at this occasion do not find any reason to take up the matter to consider it directly in a writ jurisdiction.
6. The Tribunal has been approached recently by the petitioner in November, 2025 itself for relief in the nature of compassionate appointment, arising out of death of petitioner's father on 09.02.2013. The petitioner would be at liberty to pursue his remedy before the Tribunal which is in seisin of the matter. The law is very well settled regarding the Tribunal being the Court of first instance which is stated by the Apex Court in the decision of **L. Chandra Kumar -Vs.- Union of India & Ors.** reported in **1997 (3) SCC 261** and thereafter reiterated by the Apex Court in the case of **Rajeev Kumar & Anr. -Vs.- Hemraj Singh Chauhan & Ors.** reported in **2010 (4) SCC 554.**

7. We make it clear that we have not expressed any opinion on the merits of the pending application before the Tribunal.
8. The writ petition is disposed of.
9. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)