

20.02.2025
Court No.23
DL - 5
PP

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 28159 of 2024

**Wasim Parvin
versus
The State of West Bengal & Ors.**

Mr. Samim Ahammad,
Mr. Arka Maity,
Mr. Ambiya Khatun,
Ms. Saloni Bhattacharya,
Mr. Enamul Islam,
Md. Nasirul Haque

....for the petitioner.

Mr. Amal Kumar Sen, AGP,
Mr. Lal Mohan Basu

....for the State.

The petitioner applied for compassionate appointment as an Anganwadi Helper (in short, AWH) as her mother died-in-harness while she was working as an AWH in Kaliganj ICDS Project at the office of the Child Development Project Officer, Government of West Bengal.

After hearing the parties, considering the materials on record and on perusal of the order impugned dated 28th May, 2024, it appears that the same has been passed by the Child Development Project Officer, Kaliganj ICDS Project, Debagram, Nadia, being the respondent no.8 though the scheme provided under the Memorandum dated 25th January, 2006 provides for

a committee comprising of the District Programme Officer, ICDS, the District Social Welfare Officer and the Child Development Project Officer to decide a case for compassionate appointment. The order having been passed only by the Child Development Project Officer (respondent no.8) is not in conformity with the scheme, and as such is *per se* without jurisdiction. The said order is set aside without even going into the merits of the case only on the ground of jurisdiction.

The case of the petitioner should be considered afresh by the committee comprising of the District Programme Officer, ICDS, the District Social Welfare Officer and the Child Development Project Officer to be constituted in accordance with law independent of the findings of the order impugned and disposed of within a period of 8 weeks from the date of communication of this order by a reasoned order after affording the petitioner a reasonable opportunity of hearing and allowing her to produce necessary documents in support of her claim apart from those which were already placed. The said committee shall pass a reasoned order deciding all issues that may arise for consideration and shall communicate to the petitioner immediate upon passing the same.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

All parties including the committee comprised as aforesaid shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)