

Ml- 25.04.2025
56 Ct.18
rkd

W.P.A. 27753 of 2023

Shraban Roy

-vs-

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Anindya Bhattacharya

....for the petitioner.

Mr. Supriya Chattopadhyay,
Mr. Mrinal Kanti Ghosh

....for the State.

In terms of the previous order passed by this Court a report is filed by the District Inspector of Schools (SE), Purba Bardhaman dated 17th March, 2025 and same is taken on record.

Copy of the report dated 17th March, 2025 is made over to the learned advocate representing the petitioner.

On perusal of the report, it appears that father of the petitioner died-in-harness on 18th June, 2021 and the petitioner applied for appointment on compassionate ground on 29th April, 2023 when age of the petitioner was nineteen years and eighteen days.

Therefore, it appears on the date of death of the father of the petitioner on 18th June, 2021 age of the petitioner was below eighteen years.

It is trite that dependent family member of an employee who dies-in-harness if is minor on the date

of death of the employee, his right to get employment on compassionate ground cannot be preserved till he attains majority unless the scheme of appointment on compassionate ground contains necessary provision in this regard. Reliance is placed on the judgment of the Hon'ble Supreme Court, reported in 2025 SCC Online SC 290 (Canara Bank –v. Ajithkumar G. K.). Therefore, notwithstanding finding of the concerned District Inspector of Schools (SE) relating to financial hardship of the family of the deceased teacher, no relief can be granted to the petitioner.

The writ petition stands dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)