

1st July, 2025
(D/L No.36)
Ct. No.4
(SKB)

W.P.S.T.239 of 2024

Smt. Keya Majumdar
Versus
The State of West Bengal and others

Mr. Swapan Kumar Nandi,
Ms. Banani Bhattacharyya
....for the petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Ms. Sangeeta Roy
... for the State.

1. The reaffirmed affidavit-in-opposition is taken on record.
2. Heard learned counsel for the petitioner and the learned counsel for the State.
3. The petitioner's claim to be the wife of a government servant who died-in-harness while serving as a police constable attached to the Howrah GRP (Government Railway Police). The death occurred on 06.11.2013. The authorities were not sure of the claim of the applicant/petitioner and, therefore, required her to produce the marriage certificate or order of a competent court to support the fact that she was legally married wife of the deceased constable bearing Constable No.C/1566, Sujoy Majumdar.
4. The applicant thereafter obtained a decree from the court of learned Civil Judge (Jr. Division), 1st

Court at Howrah on 18.12.2017. Relying thereupon, she submitted an application for grant of compassionate appointment. In the meantime, she has also acquired the Madhyamik qualification being a basic requirement even for grant of compassionate appointment.

5. Finally the petitioner submitted a representation on 22.12.2022. After ascertaining that she has all the documents, the authorities have considered her claim. Since the applicant's husband was serving the police force and her claim was being considered accordingly, the authorities found her claim to be covered by the decision dated 07.12.2022 issued by the Deputy Inspector General of Police (E & W), West Bengal regarding processing of application for employment under "exempted category" on compassionate ground to the post of lady constable/rifleman/recruit rifleman. The DIG has directed all concern by this communication that for appointment to these posts, a procedure laid down in a communication dated 01.12.2017 issued by the Home and Hill Affairs Department, Police Establishment Branch, Government of West Bengal is to be followed.

6. The notification dated 01.12.2017 contains the rules regulating the recruitment of constables and lady constables in the West Bengal police force. The notification has been issued in supersession of all earlier rules on the subject. The eligibility criteria is specified in Rule 4(b) of the Rules [The Police Act, 1861 (5 of 1861)], which reads as follows:

“(b) Age : (i) The applicant must not be less than 18 (eighteen) years old and must not be more than 27 (twenty seven) years old as on 1st January of the year of the advertisement for the recruitment, (ii) The upper age limit shall be relaxed by 05 (five) years for the candidates belonging to the categories of Scheduled Castes (SC), Scheduled Tribes (ST) and by 03 (three) years for the candidates belonging to the category of other Backward Classes (OBC).”

7. Since the age of the petitioner does not fall within these criteria, she has not been found eligible for grant of appointment to a post of lady constable under the exempted category on compassionate ground. However, acknowledging the petitioner's claim for appointment on compassionate ground, they have issued a communication to the petitioner on 26.04.2023 that since she has become ineligible for recruitment to the post of lady constable, she may submit her willingness in writing for employment under the “exempted category” for the post of Group ‘D’ or ‘LDC’.

8. Instead of responding to this letter for availing the benefit of compassionate appointment, she has

assailed this communication by filing O.A.212 of 2024.

9. It is her grievance that she is not being considered for appointment as a lady constable by applying the eligibility criteria applicable to regular appointments.
10. Insofar as the petitioner's grievance is concerned, we find the same is unsustainable. In case of appointments being made to a police force, the authorities have considered it appropriate not to compromise with the eligibility criteria having regard to the nature of duty to be performed by the constables.
11. A conscious decision has been taken applicable uniformly to one and all that the eligibility criteria contained in the notification dated 24.06.2023 will be applying even in the case of appointment under the exempted category on compassionate ground. Being mindful of the need of offering appointment to the eligible legal heir/family member left in penury on account of sudden demise of the bread earner while in harness, they have requested the petitioner to make an application for appointment on compassionate ground to other posts where there is no stringent requirement of possessing the

requisite qualifications having regard to the nature of duties expected to be performed. They have, thus, asked her to make an application for appointment under the exempted category to the post of Group-D or LDC for which she has not availed of.

12. Learned counsel for the petitioner submits that the petitioner was pursuing the matter being aggrieved by the fact that she was disqualified for the purposes of selection as a lady constable.
13. In view of the circumstances taken note of above, we find no infirmity in the communication dated 26.04.2023 issued by the SRP, Howrah to the petitioner. Should the petitioner be desirous of being considered for appointment on compassionate grounds in terms of this communication, it will be open to her to make an application for the same.
14. We find no reason to interfere with the order of the Central Administrative Tribunal dated 30.04.2023 passed in O.A. No.212 of 2022.
15. The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)