

Sl.46
10.04.2025
Court No.2
BP

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 722 of 2025

Deborpita Majumder

-versus-

The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay

Mr. Pradeep Chatterjee

Mr. Pronay Basak

Ms. Srishti Sarkar

Ms. Bidisha Chakraborty

..for the petitioner

Ms. Bedashruti Bose

Mr. Pradeep Sarkar

..for the State

The prayer of the petitioner for compassionate appointment was rejected by the orders dated 19th December, 2023 and 13th November, 2024. The reasons for rejection was that at the time of death of the father of the petitioner, the petitioner was a minor.

The father of the petitioner namely, Dipankar Majumder was a clerk at high school in the district of Jalpaiguri. He died in harness on November 20,2014 leaving behind him surviving his widow namely, Pampa Majumder and the petitioner herein, the daughter as his legal heiresses.

Initially the mother of the petitioner applied for appointment on compassionate ground. At the relevant point of time the petitioner was a minor and

the widow was over aged for which the application was filed praying for appointment of the petitioner on compassionate ground. Such prayer was rejected on the ground that at the time of death of the employee, the petitioner was a minor and he also did not attain the age of majority within a period of two years from the date of death of her father.

Mr. Chattopadhyay, learned advocate appearing for the petitioner places reliance upon the decision of the Hon'ble Supreme Court in the case of Syed Khadim Hussain Vs. State of Bihar and others reported at (2006) 9 SCC 195 and submits that since the applicant has crossed the age of eighteen years as on the date of consideration of such application such an application could not have been rejected on the ground that he was a minor at the relevant point of time.

Heard the learned advocate for the State on such submission.

It is not in dispute that at the time when the application for compassionate appointment was considered the petitioner had crossed eighteen years of age. The Hon'ble Supreme Court in more or less identical situation directed consideration of such application for appointment.

In view thereof, WPA 722 of 2025 is disposed of by directing the District Inspector of Schools (S.E.), Jalpaiguri being the 8th respondent herein to consider the matter afresh after taking into consideration the decision of the Hon'ble Supreme Court in the case of Syed Khadim Hussain (supra) and pass a reasoned order.

For the reasons as aforesaid, the orders dated 19th December, 2023 and 13th November, 2024 are set aside and quashed. In the event the District Inspector of Schools (S.E.), Jalpaiguri decides in favour of the petitioner consequential steps shall be taken in accordance with law.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)