

Form No. J.(2)
Item No. 61
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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Aniruddha Roy

W.P.A. 1801 of 2025

Deepraj Chanda

Vs.

The State of West Bengal & Ors.

For the petitioner	:	Mr. Deborshi Dhar, Adv.
For the State	:	Mr. Subir Kr. Saha, Ld. A.G.P. Mr. Bikash Singha, Adv.
For the Respondent Nos. 3 to 5/Municipality	:	Mr. Pretom Das, Adv. Mr. Abhishek Sen, Adv.
Heard on	:	September 10, 2025
Judgment on :	:	September 10, 2025

Aniruddha Roy, J. :

Affidavit of service filed in Court today, is taken on record.

Mr. Deborshi Dhar, learned Advocate appears for the petitioner.

Mr. Pretom Das, learned Advocate with Mr. Abhishek Sen, learned Advocate appears for the relevant municipality.

The petitioner being the son of the deceased employee claims compassionate appointment. The deceased employee was an employee of Dinhata Municipality. Referring to **Annexure-P6 at page 22** to the writ

petition Mr. Deborshi Dhar, learned Advocate appearing for the petitioner submits that the Executive Officer of the municipality has referred the matter before the respondent no.2 and now the said authority have to take a decision.

Mr. Pretom Das, learned Advocate appearing for the respondent nos. 3 to 5/ Municipality submits that there is no specific policy for compassionate appointment at the relevant municipality.

Learned Advocate for the municipality further submits that, compassionate appointment is not a matter of right. Unless a specific policy provides for such appointment, compassionate appointment cannot be granted. Compassionate appointment is not the source of distribution of employment or generation of employment. It is a result of a benevolent policy of the State/employer. Therefore, unless a specific policy is there and the beneficiary qualifies the terms and conditions under such policy, no such appointment is permitted in law.

Considering the submissions made on behalf of the parties and on perusal of the materials on record, the respondent no.2 upon issuing a prior hearing notice of at least **seven days** to the petitioner and the respondent no.5 and after granting them an opportunity of hearing shall decide the issue in the light of the case made out in the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.2 positively within a period of **six weeks** from the date of

communication of this order and the reasoned order shall be communicated to the petitioner and the respondent no.5 positively within **a week** thereafter.

It is made clear that this Court has not gone into the merits of the writ petition.

It is also made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive his claim in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition **WPA 1801 of 2025** stands **disposed of**, without any order as to costs.

Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)