

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/140/2025

MUKESH BHUIA
VS
M/s. EASTERN COALFIELDS LIMITED & ORS.

BEFORE:

The Hon'ble JUSTICE SAUGATA BHATTACHARYYA

HEARD ON : 10.12.2025

JUDGEMENT ON : 10.12.2025

For Petitioner :

Mr. Partha Ghosh, Advocate
Mr. Amal Kr. Datta, Advocate
Mr. Debashis Das, Advocate
Mr. Bratin Suin, Advocate

For Respondents :

Mr. S.M. Obaedullah, Advocate
Mr. Nikhil Kumar Roy, Advocate

Saugata Bhattacharyya, J. :

1. Matter relates to appointment of the petitioner on compassionate ground as the father of the petitioner died in harness on 21st October, 2022, who was an employee of Eastern Coal Fields Limited.
2. Submission is made on behalf of the petitioner relying upon the report of the Medical Board dated 15th October, 2025, which is available on record. As per the said medical report dated 15th

October, 2025, age of the petitioner was assessed in range and it is stipulated in the report that on the date of medical examination of the petitioner, that is, 15th October, 2025, his age is 38 plus minus 2 years.

3. It is further contended on behalf of the petitioner, if age of the petitioner is considered as 36 years $[38 - 2 = 36]$, the petitioner comes within the zone of consideration in terms of the age for being considered for appointment on compassionate ground. It is submitted upper age limit for providing appointment on compassionate ground in terms of the relevant scheme is 35 years on the date of death of the employee.
4. Father of the petitioner died on 21st October, 2022 and question arose whether the petitioner was within the upper age limit of 35 years at the time of death of the employee. In support of the case made out in this writ petition, reliance is placed on the judgment of the Hon'ble Division Bench dated 7th August, 2024 passed on an intra-court appeal being **MAT No. 2151 of 2023 (M/s. Eastern Coalfield Limited vs. Smt. Purnima Singh & Ors.)**. It is also submitted that ratio of **Purnima Singh** (supra) relating to fixing age of candidate based on medical report was not interfered with by the Hon'ble Supreme Court in **Special Leave to Appeal (C) No. 30605-30606/2024 (M/s. Eastern Coalfield Limited vs. Smt. Purnima Singh & Ors.)**.

5. On the contrary, learned advocate representing ECL has made submission against the claim of the petitioner seeking appointment on compassionate ground and it is further urged that on the date of death of the employee, age of the petitioner needs to be assessed above the upper age limit as there is no specification in the report of the Medical Board dated 15th October, 2025 relating to age of the petitioner and it was opined that on 15th October, 2025 age of the petitioner was within the range of 36 – 40 years.
6. In order to adjudicate the issue involved in this writ petition, Court needs to consider the medical report dated 15th October, 2025 prepared by the Medical Board constituted by the authority of Burdwan Medical College & Hospital, Purba Burdwan in terms of the order dated 26th August, 2025 passed on this writ petition by a co-ordinate Bench. It is submitted that no appeal was preferred by the respondent authorities against the order dated 26th August, 2025 of the co-ordinate Bench. Therefore, the exercise carried out by the Medical Board ought to be given credence in assessing age of the petitioner.
7. In the medical report dated 15th October, 2025, though no specific date was possible to be recorded as the date of birth of the petitioner or exact age of the petitioner was not stated but range of probable age of the petitioner is provided, which is 38

plus minus 2 years on 15th October, 2025, being the date on which petitioner was medically examined.

8. In order to construe probable age of the petitioner on the date of death of his father, Court finds it apt to rely upon paragraph 24 of **Purnima Singh** (supra) wherein the Hon'ble Division Bench decided the issue considering the age of the respondent on the lower side as per medical report. Since it is not possible to derive exact age of the petitioner on the date of death of the employee relying upon paragraph 24 of **Purnima Singh** (supra) Court is inclined to consider the lowest probable age of the petitioner in terms of the medical report dated 15th October, 2025 for deciding his right to be considered for appointment on compassionate ground. It needs to be recorded herein that ratio of **Purnima Singh** (supra) was tested before the Hon'ble Supreme Court and by final order dated 2nd September, 2025 the Hon'ble Supreme Court only varied the rate of interest which was awarded in favour of the respondent but the ratio of **Purnima Singh** (supra) touching upon the issue of determination of age of the respondent was not interfered with.
9. Accordingly, Court directs the concerned authorities of ECL to process the application of the petitioner seeking appointment on compassionate ground considering petitioner's age, i.e. 36 years, on 15th October, 2025 and take decision in terms of the extant

Scheme relating to appointment of compassionate ground by four weeks from the date of communication of this order.

10. It is made clear, if petitioner is found to be otherwise eligible, appointment on compassionate ground is to be provided in favour of the petitioner.
11. Writ petition stands disposed of.
12. Urgent xerox certified copy, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(SAUGATA BHATTACHARYYA, J.)