

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 1183 OF 2026

BAPI RAM
VS.
THE STATE OF WEST BENGAL AND OTHERS

Mr. Chirantan Sarkar, Adv.
Mr. Sultan A. Mondal, Adv.
Mr. Subhrajyoti Datta, Adv.
...for the Petitioner

Mr. Dwarika Nath Mukherjee, Adv.
Mr. Manik Lal De, Adv.
...for the State

1. Matter is heard in presence of the learned advocates representing the petitioner and the State respondents.
2. By presenting this writ petition, *inter alia*, petitioner has prayed for appointment on compassionate ground by setting aside memo dated 2nd December, 2024 issued by the Additional Director & Senior Special Secretary, Department of Health & Family Welfare, Government of West Bengal.
3. Father of the petitioner was working as Sweeper in Burdwan Medical College & Hospital, who *died-in-harness* on 26th April, 1998. An application was made by wife of the deceased employee for appointment of her son on compassionate ground.
4. Petitioner's prayer for appointment on compassionate ground was rejected by the concerned respondent authority *vide* memo dated 2nd December, 2024 on two grounds — firstly, petitioner

was minor at the time of death of the employee and secondly, application for appointment on compassionate ground was made twenty-five (25) years after death of the employee.

5. However, it is submitted by the learned advocate representing the petitioner that application was made for appointment on compassionate ground not after twenty-five (25) years but eight (8) years after death of the employee.
6. If Court proceeds on the premise that application seeking appointment on compassionate ground was made eight (8) years after death of the employee, in that event also such application is belated one since application needs to be submitted before the concerned authority for appointment on compassionate ground within six (6) months from the date of death of the employee.
7. Moreover, petitioner was minor on the date of death of the employee and it is trite that right of a minor candidate cannot be preserved till he/she becomes major in case of appointment on compassionate ground unless scheme relating to appointment on compassionate ground contains necessary provision. In this regard reliance is placed on the judgment of the Hon'ble Division Bench reported in **(2019) SCC**

Online Cal 159 (Arindam Choudhury vs. State of West Bengal & Ors.).

8. In view of aforesaid discussion, this Court does not find anomaly in the impugned memo dated 2nd December, 2024 issued by the Additional Director & Senior Special Secretary, Department of Health & Family Welfare, Government of West Bengal.
9. Hence, writ petition stands dismissed.
10. However, there shall be no order as to costs.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)