

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 1556 of 2026**

Anirban Saha  
-versus  
The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee, Sr. Advocate  
Mr. Ashish Deb  
Ms. Maitrayee Chatterjee  
... For the petitioner

Mr. Martanda Pratap Chakrabarti  
Mr. Biswanath Samanta  
... For the State

Mr. Sunit Kumar Roy  
... For WBCSSC

Ms. Koyeli Bhattacharyya  
... For WBBSE

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

2. The petitioner seeks appointment on compassionate ground. The father of the petitioner died-in-harness on 5<sup>th</sup> December, 2024 leaving behind him, his grandmother and his mother as heirs and legal representatives.

3. The District Inspector of Schools (Secondary Education), Murshidabad calculated the gross family income of the petitioner relying on the Government Notification, being Memo No.697-ES/S/15-18/08 dated 9<sup>th</sup> July, 2009 and came to a finding that the monthly income of the family, at the material point of time,

exceeded the gross salary of a Group-D employee of the State.

4. For the purpose of arriving at the aforesaid finding, the authority took into consideration the provident fund amount, the dearness allowance and the pension received by the grandmother of the petitioner and his mother.

5. The petitioner is aggrieved by the same. It has been submitted that the provident fund, dearness allowance and pension ought not to be taken into consideration for calculating the gross monthly income of the family.

6. Prayer has been made to set aside the impugned order and direct the authority to provide appointment to the petitioner on compassionate ground.

7. I have heard and considered the submissions made on behalf of all the parties.

8. As per definition of 'financial hardship' prescribed in Schedule-V of the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-Teaching Staff) Rules, 2009 laying down the procedure, manner of application and preparation of panel for appointment on compassion ground computation of income of the family, the income of the amount earned by each member of the family apart from provident fund,

gratuity and 40% of the family pension of the first seven years or upon attainment of sixty seven years of age of the deceased teacher had he been alive, is to be taken into account. The surviving members of the deceased family includes the spouse, son and the daughter.

9. In the instant case, the authority erroneously took into consideration the amount received by the petitioner's grandmother and the amount received on account of provident fund and dearness allowance for calculating the income of the family. The same is contrary to the Rule.

10. In view of the above, the impugned order dated 5<sup>th</sup> December, 2025 stands set aside.

11. The District Inspector of Schools (Secondary Education), Murshidabad is directed to re-consider the prayer of the petitioner for grant of compassionate appointment strictly in accordance with the prevailing Rules at the earliest but positively within a period of eight weeks from the date of communication of this order.

12. A reasoned order shall be passed and communicated to the petitioner.

13. If the petitioner satisfies the eligibility criteria for being appointed on compassionate ground, then necessary consequential steps shall be taken by the authority without any further delay.

14. The writ petition stands disposed of.

15. All parties are directed to act on the basis of the server copy of this order duly downloaded from the official website of this Court.

16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Amrita Sinha, J.)**