

09.03.2026
Sl. No.27
Ct. No.14
gd

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. 2370 of 2025

**Jayanti Patra (Maji @ Majhi)
-Vs-
The State of West Bengal & Ors.**

Mr. Anindya Bose
Mr. Santanu Maji
Mr. Subhayu Das
Mr. Mridul Biswas
Ms. Debrani Mondal

... for the petitioner

Mr. Ranjan Saha
... for the DPSC, Paschim Medinipur

Mr. Suman Dey
Ms. Kalpita Paul

... for the State

1. Affidavit-in-opposition filed on behalf of respondent no.7 is taken on record.
2. Affidavit-in-reply on behalf of petitioner to the affidavit-in-opposition of respondent no.7 is also taken on record.
3. By the present writ petition the petitioner seeks for setting aside and /or cancellation of Memorandum no. 62/LS/RO/IC/1407/LS/2022 dated 19th September, 2024 of respondent no.3, Commissioner of School Education, West Bengal rejecting the prayer of the petitioner for appointment on compassionate ground.
4. The father of the petitioner was an Assistant Teacher of Damodarpur Primary School, Village – Damodarpur,

Post Office – Tamluk, District – Purba Medinipur, who died-in-harness on 30th December 2015. The petitioner is the married daughter of the deceased employee late Bishnupada Patra. Subsequent thereto, on 23rd June 2016, the petitioner submitted an application for her appointment on compassionate.

5. Previously the petitioner filed a writ petition being WPA 12933 of 2022 seeking for her appointment on compassionate ground. The aforesaid writ petition was disposed of on 24th June, 2024 considering the decision of Special Bench in case of ***The State of West Bengal & Ors. versus Purnima Das & Ors.*** reported in **2017 SCC OnLine Cal 13121** and observed as follows:

*“6. It has been clarified in the aforesaid **Purnima Das decision (supra)** the State authorities must be satisfied that the applicant/married daughter should have been dependent on her father even after marriage and at the time of the death of the employee. The income and assets of the applicant’s husband must also be ascertained by the State before allowing any application for compassionate employment by married daughter.*

7. In the above circumstances, this Court directs the DPSC, Paschim Medinipur to ascertain the factors as enumerated hereinabove and for the said purpose, conduct a detailed enquiry.

8. Let a report be submitted by the DPSC, Paschim Medinipur to the Commissioner of School Education, who shall thereupon take 3 an appropriate decision in the matter. If the decision is in favour of the petitioner, let appropriate recommendation be sent to the Chairman of the DPSC who shall take appropriate steps, if necessary, by referring the mater back to WBBPE or WBBSE or to the D.I. of Schools, Secondary Education as the case may be.”

6. Pursuant thereto, the DPSC, Paschim Medinipur caused an enquiry and submitted its report to the Commissioner of School Education, West Bengal which after due consideration rejected the prayer of the petitioner for appointment on compassionate

ground by the impugned order. Being aggrieved by and dissatisfied with the impugned order, the petitioner has preferred the present writ petition.

7. Mr. Anindya Bose, learned advocate for the petitioner submits that it is no more *res integra* that a married daughter who is dependent on the deceased employee is entitled to appointment on compassionate ground. In the earlier round of litigation direction was issued upon DPSC, Paschim Medinipur to cause an enquiry and submit a report before the appropriate authority in relation to the prayer of the petitioner for appointment on compassionate ground. The enquiry has been held without giving opportunity of hearing to the petitioner which is violation of principles of natural justice. To buttress his contention, he relies on the decision of Hon'ble Supreme Court passed in ***State Bank of India and Others versus Rajesh Agarwal and Others*** reported in **(2023) 6 SCC 1**. He seeks that the matter be relegated to the appropriate authority for fresh consideration upon hearing the petitioner.
8. Mr. Suman Dey, learned advocate for the State respondents referring to Schedule V of West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-Teaching Staff) Rules, 2009 submits that the petitioner, being a married daughter, is not included within the definition of 'Family'. As per the Rules, the spouse, son and daughter are included within the definition of

'Family'. Be that as it may, a married daughter has been made entitled to appointment on compassionate ground by the Hon'ble Special Bench in *Purnima Das (supra)* provided that the married daughter should be dependent on the deceased employee even after marriage and at the time of death of the employee and the income and assets of the applicant's husband ought to be ascertained by the State prior to allowing such application for appointment on compassionate ground. In the present case the family income is more than what is required to hold that the family is in financial hardship. Following the Notification dated 26th June, 2009 the State authorities have rightly rejected the prayer of the petitioner for appointment on compassionate ground.

9. Mr. Ranjan Saha, learned Advocate for the District Primary School Council, Paschim Medinipur submits that the enquiry was conducted in the house of the deceased. The petitioner herself produced the documents of the income issued by respective Gram Panchayats and upon consideration was found to be more than the amount required for grant of appointment on compassionate ground. He seeks for dismissal of the writ petition.
10. The only issue which falls for consideration is whether the respondent no.3, Commissioner of School Education, West Bengal was justified in rejecting the prayer of the petitioner for appointment on compassionate ground or not.

11. In the earlier round of litigation being WPA 12933 of 2022, the DPSC, Paschim Medinipur was directed to cause an enquiry in order to ascertain the factors such as whether the daughter was dependent on the father's income even after marriage and at the time of the death of the employee and the income and assets of the applicant's husband.
12. Upon going through the impugned order, it is found that it has considered the enquiry report of DPSC, Paschim Medinipur and upon due consideration it found that the extent of income of the family of the deceased cannot be treated to be of financial hardship and as such the applicant is not eligible for appointment on compassionate ground due to death of the employee. It has also been observed that the widow of the deceased employee is having an income of Rs.4,000/- and though it has been mentioned that the husband of the applicant is unemployed person yet he has also an income of Rs.3,000/. The aforesaid observation has been made on the basis of the admitted documents produced by the applicant herself.
13. From the enquiry report it is found that such enquiry was held in the house of the deceased employee. The documents of Debra Panchayat Samity, Duan-II Gram Panchayat and Paparara-I Gram Panchayat bears the counter signature of the petitioner dated 1st August, 2024. Therefore, the petitioner's presence at the time of enquiry cannot be disputed. For such reason, the

decision of Hon'ble Supreme Court in *Rajesh Agarwal (supra)* also does not come to the aid of the petitioner.

14. In view of the above discussion, it is found that the impugned order of Commissioner of School Education, West Bengal dated 19th September, 2024 does not call for interference and the writ petition fall short of merit.
15. Accordingly, the writ petition being **WPA 2370 of 2025** stands dismissed.
16. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
17. Interim order, if any, stands vacated.
18. All connected applications, if any, stand disposed of.
19. There shall be no order as to costs.
20. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
21. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)