

18.05.2026
Sl. No.10
Ct. No.14
ss

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

W.P.A. No. 2504 of 2025

**Lambodar Kisku
versus
The State of West Bengal & Ors.**

Mr. Kalyan Kumar Panda
Mr. Uttam Kumar Ray

...for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey

... for the DPSC, Bankura

Mr. Sunit Kr. Roy

... for the respondent no.4

1. Exception to the report of the State filed by the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for cancellation and/or quashing of the impugned memo being No.1782 dated 5th September, 2022 issued by the respondent no.5, the District Primary School Council, Bankura rejecting the prayer of the petitioner for appointment on compassionate ground.
3. The petitioner contends that his father late Lakhindar Kisku was a Head Teacher of Chaka Santal Primary School under Chhatna South Circle, District Bankura, who died-in-harness on 23rd October, 2020 leaving behind his wife, two sisters and two sons, including the petitioner. On 1st February, 2021 the petitioner submitted an application before the District Primary School Council, Bankura for his appointment

on compassionate ground. Pursuant to direction of District Primary School Council, Bankura the petitioner furnished requisite documents including no-objection of the other legal heirs of the deceased teacher and also an undertaking that the petitioner will look after the family in the event he is employed on compassionate ground. The mother of the petitioner is getting family pension. Though the annual income of the family of the petitioner is Rs.36,000/-, however, by the impugned order the prayer of the petitioner for appointment on compassionate ground under group 'D' category was rejected by the authority concerned holding that the total monthly income of the family of the petitioner exceeded the gross salary of a group 'D' staff. Being aggrieved and dissatisfied with the impugned decision of authority concerned the petitioner has preferred the present writ petition.

4. Mr. Kalyan Kumar Panda, learned Advocate appearing on behalf of the petitioner submits that the monthly family income calculated by the authority concerned is incorrect. The annual income of the family of the petitioner is Rs.36,000/- whereas the authority concerned has considered the annual income to be Rs.60,000/-. He seeks for setting aside of the impugned order passed by the District Primary School Council, Bankura dated 5th September, 2022.
5. On the contrary, Mr. Suman Dey, learned Advocate for the District Primary School Council, Bankura

submits that the calculation made by the authority concerned is on the basis of the documents submitted by the petitioner himself. The petitioner after passing of the order has obtained certificate that his family is having an annual income of Rs.36,000/-. Taking into consideration the annual income of the family as disclosed by the petitioner, on calculation it has been found that the total family income of the petitioner is more than the gross salary of group 'D' staff and as such, the petitioner is not entitled for appointment on compassionate ground and at the same time, the impugned order under challenge does not call for interference.

6. Mr. Sunit Kr. Roy, learned Advocate for the West Bengal Regional School Service Commission also submits in the similar fashion.
7. Upon hearing the learned Advocates for the respective parties, the only issue which falls for consideration is whether the impugned order passed by the District Primary School Council, Bankura dated 5th September, 2022 is sustainable in law or not.
8. Admittedly, the mother of the petitioner namely, Madhabi Kisku disclosed the monthly income of the family as Rs.5,000/-(Annexure B) to the exception filed by the petitioner. On the basis of such declaration the Pradhan of Metyala Gram Panchayat issued certificate on 18th December, 2020 stating that the annual family income of the petitioner is Rs.60,000/-. The said certificate has been counter-

signed by the Secretary-in-Charge as well as the Executive Assistant of the said Panchayat. Taking into consideration such income and the family pension, the authority concerned has made calculation of the total family income of the petitioner to be Rs.20,960/-. The report reveals that gross monthly salary of a group 'D' staff of the State Government employee at the relevant point of time, i.e., on 23rd October, 2020 is Rs.19,540/-. Thus, the family income of the petitioner is more than the monthly salary of a group 'D' staff of the State Government.

9. The petitioner has tried to make out a case that the monthly income of the family of the petitioner is Rs.3,000/-. Be that as it may, such disclosure is after passing of the impugned order. In view of the earlier declaration made by the mother of the petitioner disclosing the monthly family income to be Rs.5,000/-, the subsequent one disclosing monthly income of the family to be Rs.3,000/- is an after-thought. Moreover, the petitioner cannot retract from the earlier declaration. Thus, the subsequent declaration cannot be accepted.
10. In view of the above discussion, this Court finds that there is no infirmity in the impugned order dated 5th September, 2025 passed by the District Primary School Council, Bankura and hence does not call for interference.

11. Accordingly, the writ petition being **WPA 2504 of 2025** stands dismissed.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)