

23.02.2026
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MAT 270 of 2026
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IA No.: CAN 1 of 2026
Swarnendu Bag
- Versus -
The State of West Bengal & Others

Mr. Dibyendu Chatterjee,
Mr. Rahul Deb Goenka,
Ms. Satabdi Das,
Mr. Mainak Singha Barman,
Ms. Sunanda Chatterjee
... for the Appellant.
Mr. Supriya Chattopadhyay,
Mr. Sankar Halder
... for the State/Respondents.
Mr. Sunit Kr. Roy
... for the WBCSSC.

By preferring the intra-court appeal, the challenge has been thrown to the legality of the order dated 28th January, 2026 passed by the learned Single Judge in WPA 28690 of 2025, whereby the writ petition was dismissed.

Briefly stated, the facts giving rise to the present appeal are that the writ petitioner's mother, who was a school teacher, died in harness on 29th November, 2017. At that time, the writ petitioner was a boy of only eleven years and his father was serving as the Headmaster of a school.

The specific grievance sought to be made out in the writ petition was that immediately upon the demise of his mother, the petitioner's father went to the office of the District Inspector of Schools to submit an application seeking compassionate appointment of the petitioner upon his attaining the age of

majority. However, the District Inspector refused to accept the said application from the petitioner's father.

Subsequently, the petitioner's father retired from service upon attaining the age of superannuation on 30th June, 2025, and thereafter received all retiral benefits, including pension. Then the petitioner applied for compassionate appointment on 14th November, 2025, after he attained the age of majority.

Thereafter, alleging inaction on the part of the concerned respondent in considering the petitioner's application for compassionate appointment, the writ petition was preferred.

By the order impugned, the learned Single Judge refused to accept the petitioner's contention and declined to grant any direction for compassionate appointment of the petitioner. In support of the decision, the learned Single Judge observed that there is no scope for reservation of a vacancy till a minor attains majority for the purpose of providing appointment on compassionate grounds.

Mr. Chatterjee, learned Advocate representing the writ petitioner/appellant herein, submits that it was not the case of the appellant that he sought reservation of a post for himself. He contends that such observation is factually incorrect and that the said infirmity warrants interference with the order impugned in the appeal.

Mr. Chattopadhyay, learned Additional Government Pleader appearing for the State/respondents, submits that the purpose of introducing the concept of compassionate appointment is only to provide immediate relief or succor to a

bereaved family that has lost its source of livelihood. He submits that, in the present case, it cannot be stated that upon the demise of the petitioner's mother, the petitioner's family faced financial hardship. He further submits that, taking note of this aspect, the learned Single Judge has rightly dismissed the writ petition.

Heard the learned Advocates appearing for the respective parties. Perused the materials on record.

As noted earlier, the appellant/petitioner's mother died in harness on 29th November, 2017, when the petitioner was a boy of 11 years. Admittedly, at that time, the petitioner's father was serving as a Headmaster of a school and retired upon attaining the age of superannuation on 30th June, 2025, having received all retiral benefits, including pension. Since the appellant's father was in service, he was drawing a salary, and after his retirement, he continues to draw a pension. It cannot, therefore, be said that the demise of the appellant's mother plunged the family into penury. We agree with the submission advanced by Mr. Chattopadhyay that the sole purpose of compassionate appointment is to provide immediate succor to a family which, by the demise of its sole breadwinner, has fallen into acute financial distress.

In the present case, the appellant/writ petitioner applied for compassionate appointment almost eight years after the death of his mother. Consequently, the element of immediacy is also diluted. Noting this aspect, the learned Single Judge has rightly

refused to accept the petitioner's contention and dismissed the writ petition.

We do not find any infirmity in the decision and any justification in interfering with the appeal.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)