

11th May, 2026
Item no.M/L 167
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 7750 of 2026**

In the matter of:

Bibek Das

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Ms. Arunima Lala

Ms. Ankita Kumari Singh

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner claims to be the son of a deceased rifleman who expired on 24th April, 2010. The widow of the employee applied for compassionate appointment on behalf of her son on 11th June, 2014. The petitioner was a minor on the date of death of his father.
3. Reliance has been placed on the communication made by the Deputy Inspector General of Police (P & W) West Bengal dated 23rd May, 2023 addressed to the Deputy Secretary to the Government of West Bengal, Home and Hill Affairs Department mentioning that the unit in-charge has sent a letter of candidate to issue of approval as the family condition is very much poor.
4. Prayer has been made to direct the authority to consider the prayer of the petitioner to approve employment on compassionate ground.
5. None represents the respondents.

6. Law relating to compassionate appointment is very well settled.

The very purpose of providing compassionate appointment is to help the family of the deceased to tide over the immediate financial crisis faced on the death of the bread earner. Such appointment is an exception to the regular appointment provided to the eligible candidates in an open recruitment process.

7. In the instant case the employee expired in the year 2010. The petitioner was a minor at that point of time. His claim for compassionate appointment had not arisen on the date of death of the employee. It is only after the petitioner attained majority that application seeking compassionate appointment was made in the year 2014.

8. In *Sanjay Kumar vs State of Bihar & Ors.* reported in (2000) 7 SCC 192 the Hon'ble Supreme Court laid down that there cannot be reservation of vacancy till such time the petitioner attains majority. The very basis for compassionate appointment is to see that the family gets immediate relief.

9. By now sixteen years have elapsed after the death of the employee. The prayer of the petitioner for consideration of his case for compassionate appointment cannot be allowed at such a delayed point of time. There is hardly any scope to show compassion to the family member of the deceased employee at this stage.

10. In view of the above, no relief can be granted to the petitioner in the instant writ petition. The writ petition fails and is hereby dismissed.

11. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)