

09.01.2026
Sl. No.14
Ct. No.14
gd

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

WPA/16138/2025
UJJAL RANA
VS
STATE OF WEST BENGAL AND ORS.

Mr. Ujjal Ray Sk. Abdur Rahim Mr. Binit Kumar	...for the Petitioner.
Mr. Bhaskar Prasad Vaisya Mr. S. Dey	...for the State.
Mr. Ranjan Saha	...for DPSC, Jhargram.
Mr. Kaushik Chowdhury	...for WBBPE.

1. On the prayer of learned advocate for the petitioner, leave is granted to implead District Inspector of School (Primary Education), Jhargram as added respondent no.9.
2. Affidavit of service filed on behalf of the petitioner is taken on record.
3. By the present writ petition the petitioner seeks direction upon the respondent authorities particularly respondent no.9, District Inspector of School (Primary Education), Jhargram to accept the petitioner's application for compassionate appointment due to

untimely death of his elder sister who was a primary school teacher.

4. The petitioner contends that his sister, namely, Tapati Rana was an Assistant Teacher at Gopalpur Primary School under District Primary School Council, Paschim Medinipur. The petitioner's elder sister died in harness on 13th March, 2024 due to Metastatic Carcinoma of the Breast. Upon demise of the elder sister the petitioner on 17th September, 2024 sent an application before the District Inspector of School as well as Sub-Inspector of Schools for his appointment on compassionate ground and he also submitted supportive documents. The petitioner is a Graduate and has completed Bachelor's Degree in Commerce. The application returned undelivered with endorsement "refused". Being aggrieved by such action of the respondent authorities, the petitioner has filed the present writ petition seeking direction for acceptance of his application for compassionate appointment.
5. Mr. Ujjal Ray, learned advocate appearing for the petitioner submits that the authority has refused to accept the application of the petitioner for appointment on compassionate ground. He seeks for appropriate direction so that the application of the petitioner can be accepted and considered by the authority concerned.

6. Mr. Ranjan Saha, learned advocate appearing for the District Primary School Council, Jhargram and learned advocate for the State submit that at the first instance that the brother is not a person included within the definition of “*family*” to seek for appointment on compassionate ground. Hence, the application whether accepted or not becomes irrelevant since there is no right of the petitioner to seek for compassionate appointment. They seek for dismissal of the writ petition.
7. It appears that the deceased teacher died-in-harness on 13th March, 2024. Learned advocates for respective parties submit that as per the existing Rule, the application for appointment on compassionate ground is to be filed within two years. The question whether the petitioner, being the brother of the deceased employee, is entitled to appointment on compassionate ground or not, can only be considered by the appropriate authority only on acceptance of application upon submission. Therefore, at this stage without the application been filed in proper format it would not be proper to decide the right of the party. The authorities have to decide on such aspect in accordance with law.
8. Accordingly, since two years have not elapsed from the date of the death of the deceased teacher, this Court is of the view that an opportunity be given to the petitioner to file his application in proper format before the appropriate authority.

9. Accordingly, the petitioner is granted liberty to submit appropriate application seeking appointment on compassionate ground in proper format before District Primary School Council, Jhargram within a period of three weeks from date of this order. Upon such application having been filed, the Chairman, District Primary School Council, Jhargram shall decide the same strictly in accordance with law within a period of three months from date of submission of the application.
10. Learned advocate for the petitioner is directed to communicate this order to the Chairman, District Primary School Council, Jhargram, for necessary compliance.
11. With the aforesaid directions, the writ petition being **WPA 16138 of 2025** is disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. 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.)