07-10-2026
Item No.4
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.22492 of 2026
Smt. Ritu Dafadar (Mandal)
-vs-
The State of West Bengal & Ors.

Ms. Nibedita Pal ...for the petitioner

Ms. Koyeli Bhattacharya
Mr. Kaustav Seal ...for the State

Mr. Sunit Kumar Roy ...for the Commission

1. The order dated July 21, 2026 passed by the Chairman, West Bengal Regional School Service Commission, Eastern Region, Purba Bardhaman rejecting the petitioner's prayer for grant of compassionate appointment in the died-in-harness category on the ground that her marriage took place prior to the death of her father, is impugned in the instant writ petition.

2. The Chairman has recorded that the date of marriage of the petitioner is February 24, 2011 and her father expired on September 29, 2021. The Chairman, relying on the aforesaid two dates, concluded that as the marriage of the petitioner was prior to the death of her father, her case for compassionate appointment cannot be considered.

3. From the documents annexed to the writ petition, it appears that the prayer of the petitioner for compassionate appointment was considered by the Assistant Secretary, West Bengal Regional

School Service Commission and vide communication dated October 5, 2023 the Assistant Secretary requested the District Inspector of Schools (SE), Birbhum to resubmit the case of the petitioner after necessary rectification. In the communication dated October 5, 2023 the date of marriage of the petitioner and the date of her father's death was mentioned.

4. The petitioner challenged the aforesaid communication dated October 5, 2023 in an earlier writ petition being WPA No.2173 of 2026 which stood disposed on April 7, 2026 wherein the submission of the Commission was recorded. It was submitted by the learned counsel for the Commission that the compassionate appointment of the petitioner will be considered for a post as Group C staff in terms of her representation. The Chairperson of the Commission was directed to take a decision on the petitioner's prayer and intimate the same to the petitioner. In compliance of the Court's order, the prayer of the petitioner was considered and rejected.

5. Learned counsel for the petitioner relies on the larger Bench judgment of this Court in the matter of State of West Bengal v. Purnima Das reported in 2017 (4) CHN (Cal) 362 wherein the Court was pleased to hold that after the need for compassionate appointment is established in accordance with the laid down formula, a daughter who is married on the date of death of the concerned Government employee, while in service must succeed in her claim of being entirely dependent on the earnings of the Government employee on the date of his/her

death and agree to look after the other family members of the deceased, if the claim is to be considered further.

6. The Court clearly laid down that complete exclusion of married daughters from the purview of compassionate appointment, meaning thereby that they will not be covered by the definition of dependent and ineligible to apply for compassionate appointment, is unconstitutional.

7. Prayer has been made to direct the respondent authority to issue appointment letter in favour of the petitioner.

8. Learned counsel for the Commission submits that the petitioner ought to satisfy the authority that she was dependent upon her father or else she will not be entitled to be considered for compassionate appointment.

9. Learned counsel for the State has drawn attention of the Court to the communication dated January 28, 2025 by the District Inspector of Schools, Birbhum addressed to the Chairperson of the West Bengal School Service Commission (Eastern Region) wherein the papers and documents for appointment of the petitioner on compassionate ground were duly forwarded.

10. Upon hearing the submissions made on behalf of all the parties and on perusal of the materials on record, it appears that after initial rejection of the candidature of the petitioner to be considered for compassionate appointment on October 5, 2023, the same was challenged by the petitioner in a writ petition which stood disposed of by the Court with the direction to intimate the petitioner the fate of her prayer for compassionate appointment. Prior thereto, the papers of the petitioner were

forwarded to the Commission by the DI of Schools.

11. The fact that the documents and papers of the petitioner were forwarded to the Commission by the DI of Schools implies that the DI of Schools must have verified the dependency of the petitioner upon her deceased father. It has to be taken that only after being satisfied that the petitioner was dependent upon her father, her application was forwarded to the Chairperson with proposal for appointment of the petitioner on compassionate ground as Group C staff.

12. The impugned order of the Chairman of the Commission merely mentions about two dates; the date of marriage of the petitioner and the date of death of her father. There is no mention about the dependency of the petitioner upon her father.

13. The petitioner claims that she was all along dependent upon her father as her husband is physically incapacitated, unemployed and without any regular source of income.

14. The Full Bench decision of this Court in the matter of Purnima Das (supra) has laid down that only after the need for compassionate appointment is established, the married daughter's case for compassionate appointment can be considered.

15. In view of the above, the writ petition is disposed of by directing the Chairman of the Commission to forthwith call for a report from the DI of Schools stating the dependency of the petitioner upon her deceased father. The DI of Schools shall positively, within a period of four weeks from the date of receiving the request from the Commissioner, forward the dependency report to

the Commission for taking necessary consequential steps in the matter including issuance of recommendation letter in favour of the petitioner.

16. The writ petition is disposed of.

17. All parties are to act on the server copy of this order duly downloaded from the official website of this court.

18. Certified server copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]