

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 27325 of 2023

Mangola Bagdi
Versus
The State of West Bengal & Ors.

For the petitioner : Mr. Tapas Kumar Majumdar
Mr. Partha Pratim Bhattacharyya

For the State Mr. Safik Dewan

Heard on : 17.02.2026

Judgment on : 17.02.2026

JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities to recall, set aside and rescind the letter bearing no. 1/362823/2023 dated 02.02.2023 issued by the Assistant Secretary, Govt. of West Bengal, Panchayat and Rural Development Department, the Respondent no.4 herein and forthwith issue an appointment letter in a suitable post in

favour of the petitioner on compassionate ground in place of his deceased father.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's father died in harness on 29th June, 2011. The petitioner made an application for compassionate appointment on 17.08.2011. The other heirs had filed a 'no objection' affidavit. This would be evident from the Check Memo dated 29th July, 2015 issued by the Block Development Officer, Nanoor Block. Reliance is also placed on Three Men's Committee Report. In spite of this, the application for prayer for compassionate appointment was turned down on 02.02.2023 by the respondent no.4 purportedly on the ground of alleged late submission of proforma application and on the basis of notifications of 2013 and 2016. First, admittedly the application was made within time and this would be evident from a Check Memo that stated it to be within six months of the date of death. So, it is a perverse finding that the proforma application was made 3 years 9 months after the father's death. Secondly, the authorities could not have relied upon the notifications for a period which was much after the date of death of the petitioner's father.

Learned counsel appearing on behalf of the State opposes the prayer of the petitioner for compassionate appointment. No such application made by the petitioner for compassionate

appointment was found in the records. He relies on the report, which is taken on record.

If, one is to believe such contention of the alleged respondents, then the respondent no.4 should have stated this as a ground for not allowing the petitioner's application.

On the contrary, from copies of records made available in the writ petition by the petitioner, it appears that the application was made in time as admitted by the concerned authorities.

The petitioner cannot be faulted for the inadvertent act of the respondent authorities in misplacing such application.

Moreover, the application made by the petitioner would be guided by the notifications that would prevail as on the date of such application.

That apart, the order dated 26.06.2023 cannot be regarded as an order of rejection of the petitioner's prayer because the petitioner's prayer had been rejected by the earlier order dated 02.02.2023 and therefore, the same need not be taken into consideration.

Considering the above and in the interest of justice, I set aside the order dated 02.02.2023 passed by the Assistant Secretary to the Government of West Bengal and remand back the matter to the respondent no.4 for considering the

application afresh by taking into account contemporaneous documents as well as copy of the application annexed by the petitioner in his supplementary affidavit as Annexure P-10. The respondent no.4 shall consider the petitioner's prayer for compassionate appointment afresh after giving him a hearing and decide the issue in accordance with law and as expeditiously as possible, preferably within a period of eight weeks from this date. The order shall be communicated within a week from passing of such order.

With these observations and directions, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J)