

24.03.2026
Court No.652
Item No.22
pk/AP

WPA 28476 of 2016

Krishnendu Mandal
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Sk. Imtiaz Uddin

... For the Petitioner.

Mr. Pinaki Bhattacharyya
Mr. Anis Datta Sarma

... For the State.

1. The order of the District Inspector of Schools (SE), Bankura dated May 30, 2016 is under challenged in the instant writ petition. The issue is with regard to the prayer of the writ petitioner to consider him for appointment in died-in-harness category. By dint of the said impugned order, the said respondent has declined the writ petitioner's prayer as above, considering the family income of the writ petitioner to be in excess than the initial gross salary of a Group-D staff in the institution. While calculating the income of the petitioner's family and financial hardship of the same, all terminal benefits received by the deceased predecessor-in-interest of the present petitioner, has been taken into consideration by the respondent authority.

2. Mr. Bari, learned counsel appearing for the writ petitioner has relied on the two judgments of this Court named below, to submit on the basis of the ratio thereof, that consideration as above for rejection of the writ

petitioner's prayer by the said respondent authority is dehors the settled law:

(i) ***Shib Narayan Das Vs. The State of West Bengal & Ors.*** in ***WP No.25164 (W) of 2014*** vide order dated ***July 30, 2015***.

(ii) ***Azharul Islam Vs. The State of West Bengal & Ors.*** in ***WPA 19850 of 2015*** vide order dated ***November 11, 2024***.

3. He submits that the Courts have in categorical terms held in the judgments as mentioned above, regarding non-applicability of any consideration of the terminal benefits of the deceased person, in assessing the financial hardship and the family income of the applicant.

4. This Court finds that in the impugned order dated May 30, 2016 the respondent/District Inspector of Schools (SE), Bankura has not taken into consideration the ratio decided by the Court in the judgments as mentioned above. Whereas in terms of the judgments as mentioned above, the law with regard to the issues involved in the instant writ petition have been settled that, while considering financial hardship, in case of an applicant with prayer to be appointed on died-in-harness category, terminal benefits received by the legal heirs of the deceased employee, should not be counted and/or considered.

5. In view thereof, the Court is of the considered opinion that the impugned order dated May 30, 2016 cannot be sustained and the same is liable to be set aside.

6. Therefore, the writ petition is disposed of by directing that the impugned order of the respondent/District Inspector of Schools (SE), Bankura dated May 30, 2016 be set aside.

7. Let the respondent/District Inspector of Schools (SE), Bankura consider the writ petitioner's prayer for appointment in the died-in-harness category in the light of the ratio decided by this Court in the case of ***Shib Narayan Das Vs. The State of West Bengal & Ors. (supra)*** and ***Azharul Islam Vs. The State of West Bengal & Ors. (supra)*** as mentioned above.

8. In doing so, a reasonable opportunity of hearing should be given to the writ petitioner by the respondent/District Inspector of Schools (SE), Bankura and a reasoned order shall be passed, positively within a period of three weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, WPA 28476 of 2016 is disposed of along with application pending, if any.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)