

3.
(DL)

26.02.2026
Ct. No. 02
(ARPAN)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 28702 OF 2025

SYED PARVEZ RAHAMAN

VS.

STATE OF WEST BENGAL AND OTHERS

Ms. Gopa Biswas, Adv.
Mr. Hasanur Zaman Molla, Adv.
Ms. Saloni Bhattacharjee, Adv.
Ms. Hena Sardar, Adv.

...for the Petitioner

Mr. Jahar Lal De, AGP
Mr. Kaustav Bhattacharya, Adv.

...for the State

1. Matter is heard in presence of the learned advocates representing the petitioner and the State respondents.
2. Petitioner's father was working as Agragami Operator under the Water Wing Civil Defence, West Bengal, who *died-in-harness* on 8th May, 2016. Petitioner has approached this Court with the present writ petition, *inter alia*, praying for his appointment on compassionate ground.
3. Petitioner's mother after death of her husband made an application seeking appointment for her son on compassionate ground on 28th March, 2018. Ultimately, prayer of the petitioner for appointment on compassionate ground was rejected *vide* memo dated 9th July, 2025 issued by the Commandant, Water Wing Civil Defence, West Bengal. By the said memo dated 9th July, 2025, it was informed to the petitioner that the proposal for his appointment on

compassionate ground was rejected on the ground of delayed submission of *pro-forma* application in terms of the Labour Department's notifications dated 3rd December, 2013, 1st March, 2016 and 6th April, 2022.

4. Application for appointment of the petitioner on compassionate ground albeit was rejected on the ground as it was reflected from the memo dated 9th July, 2025 issued by the Commandant, Water Wing Civil Defence, West Bengal but on perusal of records and hearing the learned advocates representing the parties, it appears that admittedly on the date of death of the employee, *i.e.*, on 8th May, 2016, petitioner was minor.
5. Question arises for consideration is whether a candidate who is minor at the time of death of employee *in-harness* is entitled to be appointed on compassionate ground or not when scheme relating to such appointment is silent on minor's right. In this regard reliance is placed on the judgment of the Hon'ble Division Bench reported in **(2019) SCC Online Cal 159 (Arindam Choudhury vs. State of West Bengal & Ors.)**.
6. It was succinctly decided in **Arindam Choudhury** (*supra*) by the Hon'ble Division Bench that right of a minor candidate at the time of death of the employee

cannot be preserved till he/she becomes major unless scheme relating to appointment on compassionate ground contains relevant provision.

7. It needs to be recorded herein that at the time of death of the employee mother could have made an application for appointment on compassionate ground but instead of mother authorities had to decide appointment of the petitioner on compassionate ground, who was not major on the date of death of his father.
8. Nothing is demonstrated based on the scheme relating to appointment on compassionate ground that right of a minor candidate can be preserved till he/she attains majority for appointment on compassionate ground.
9. Hence, no relief can be granted to the petitioner.
10. Writ petition stands dismissed.
11. However, there shall be no order as to costs.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)