

25.03.2026
Sl. No.18
Ct. No.14
ss

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

W.P.A. No. 29346 of 2025

**Tamanna Parvin
Versus
The State of West Bengal & Ors.**

Mr. B. N. Ray
Ms. Shetparna Ray

...for the petitioner

Ms. Rama Halder
Mr. Dipankar Ghosh

.... for the State

Mr. Pratik Dhar, Sr. Adv.
Ms. Madhurima Sarkar

... for the Madrasah Service Commission

1. Instruction furnished by the District Inspector of Schools (SE), South 24-Parganas dated 13th March, 2026 is taken on record.
2. Affidavit of service filed on behalf of the petitioner is taken on record.
3. By the present writ petition the petitioner seeks for setting aside and/or quashing of the Memo dated 4th August, 2025 being Annexure P7 to the writ petition issued by the District Inspector of Schools (SE), South 24-Parganas rejecting the prayer of the petitioner for appointment on compassionate ground.
4. The petitioner contends that her father Late Md. Mizanur Rahaman joined as an Assistant Teacher in Satulia Islamia Senior Madrasah (Fajil), P.O. Pithapukur, District South 24-Parganas on 14th June, 2007. The petitioner's father died in-harness on 12th March, 2022 leaving behind six family members

including the petitioner as his only legal heirs. The petitioner made an application for appointment on compassionate ground on 25th July, 2024. Such prayer of the petitioner was rejected by respondent No.4, District Inspector of School (S.E.), South 24-Parganas on the ground that the application seeking for appointment on compassionate ground was filed beyond the stipulated period of two years from the date of death of the deceased employee. Challenging such action of the respondent authorities, the petitioner has preferred the present writ petition.

5. Mr. B. N. Ray, learned Advocate appearing on behalf of the petitioner submits that the application of the petitioner for appointment on compassionate ground was processed by the concerned authority and in compliance to their direction, the petitioner has produced relevant documents. The Government Order which has been quoted in the impugned order is incorrect. He seeks for setting aside of the impugned order dated 4th August, 2025.
6. Mr. Pratik Dhar, learned Senior Advocate appearing on behalf of the West Bengal Madrasah Service Commission indicates that as per Rule 28(4) of the West Bengal Madrasah Service Commission Recruitment (Selection and Recommendation of Persons for Appointment and Transfer to the Posts of Teacher and Non-Teaching Staff) Rules, 2023 (*hereinafter referred to as 'Rules of 2023'*) the application for appointment on compassionate ground

is to be made in a prescribed format within two years from the date of death or incapacitation of the employee concerned. As the application has been made beyond such period, the impugned order does not call for interference.

7. Similar submission is advanced on behalf of the State-respondent as well.
8. The only issue which falls for consideration is whether the impugned order passed by respondent No.4 is sustainable or not.
9. In order to examine the issue raised in the present writ petition it would be profitable to reproduce Rule 28(4) of the Rules of 2023 as follows :

*“28(4) **Application.**- The spouse or a ward of an approved staff, subject to any criterion and condition laid down in sub-Rules (1) and (2) respectively of this Rule having requisite qualification, not below 18 years of age and not above 45 years of age, may apply in writing in the prescribed format within two years of the death or incapacitation as per sub-rule (1) (a) of (b) or rule 28 to the District Inspector of Schools (SE) concerned or any authorized person for appointment on compassionate ground :*

Provided that in case of academic ineligibility of the spouse and under-age of the dependent wards, the application may be made beyond two years from the date of death/incapacity, as the case may be, upon the attainment of the minimum age and/or minimum academic eligibility of the dependents.”

10. Upon bare reading of the aforesaid provision, it manifest that an spouse or ward of an approved employee may apply in writing in the prescribed format within two years of the death or incapacitation for appointment on compassionate ground. Admittedly, application for appointment on compassionate ground has been submitted by the

petitioner beyond the stipulated period of two years from the date of death of the deceased employee. It is not the case of the petitioner that she was under-age on the date of death of the employee and upon attainment of majority she submitted such application for which reason the application was filed beyond two years. In view of the above, the writ petition falls short of merit.

11. Accordingly, the writ petition being **WPA 29346 of 2025** stands dismissed.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)