20.11.2026
Item No.11.
Court No.7.
S.M

Calcutta High Court
In the Circuit Bench at Jalpaiguri
MAT/66/2026
(In - WPA/799/2026)
IA NO: CAN/1/2026
RANJIT RAM
VS
THE STATE OF WEST BENGAL AND ORS

Mr. Debanjan Das, Adv.
Ms. Sukanya Bhowmik, Adv.
...for the Appellant.

Mr. Kunaljit Bhattacharjee, Ld. AGP.
Mr. Arijit Ghosh, Sr. Govt. Adv.
Mrs. Rajni Singh Dev, Adv.
...for the State.

Dictated by Arijit Banerjee, J.

1. When this appeal was first taken up, an order dated August 11, 2026, was passed by a Co-ordinate Bench which reads as follows:

> *"Affidavit of service filed in court today be kept with the records.*
>
> *The appellant's writ petition was dismissed by a learned Judge of this Court by a judgment and order dated July 8, 2026.*
>
> *The appellant's father was a 'Helper' at Jalpaiguri Government Engineering Collage. After rendering more than 19 years of service, the appellant's father died in harness in the year 2019.*
>
> *Immediately thereafter, the appellant's mother applied for compassionate appointment. The appellant, at that time, was about nine years old. Upon the appellant attaining majority, the appellant's mother wrote the authorities requesting to consider compassionate appointment of this appellant in the place and stead of the appellant's mother. The appellant's application was, however, rejected by the Director of Technical Education by his order dated April 9, 2026. This order was challenged by the appellant before the learned*

Single Judge. However, the writ petition was dismissed.

Learned Advocate for the appellant argues that the application of the deceased employee's wife i.e., the appellant's mother was kept pending by the concerned authorities for more than a decade. This is clearly in breach of the direction of the Hon'ble Apex Court in the case of ***Malaya Nanda Sethy-vs.-State of Orissa & Ors.*** *reported in* ***AIR 2022 SC 2836,*** *which mandates that applications for compassionate appointment must be decided expeditiously and in any event, not beyond six months from the date of the application. Learned Advocate relies on other decisions as well. For the time being, we are not noting such decisions.*

Learned State Advocate says that the authorities are ready, willing and prepared to consider the case of the appellant's mother for compassionate appointment. Further documents have been called for from the appellant's mother. If such documents are furnished, her case will be considered.

We are prima facie of the view that the respondent authorities are at fault. By keeping the appellant's mother's application pending for about 12 years, the authorities have acted contrary to law.

We would like to know if there are sanctioned vacancies in any post of Group-D at the Jalpaiguri Government Engineering Collage. In the facts and circumstances of the case, we are prima facie of the view that the college authorities should favourably consider the appellant's case in view of the fact that the appellant's mother has now become incapacitated on account of inordinate delay on the part of the authorities in processing her application.

List the matter once again on 17.08.2026."

2. On August 18, 2026, the same Bench passed another order which reads as follows:

*"**1.** Read order dated August 11, 2026.*

***2**. The appellant has annexed medical documents in support of his case that his mother, who was the original applicant for compassionate appointment, is not fit anymore to do any regular job. If that is found to be correct, we may consider,*

as a special case, directing the respondent Authorities to consider the appellant's application for compassionate appointment favourably. This we say because we find that the appellant's mother had applied for appointment on compassionate ground in the year 2009, soon after the death of her husband. That application was kept pending by the respondent Authorities for about a decade or more. This delay is contrary to the direction of the Hon'ble Apex Court in the case of ***Malaya Nanda Sethy v. State of Orissa & Ors.****, reported at* ***AIR 2022 SC 2836.***

3. *Applications for compassionate appointment must be decided expeditiously and definitely within six months from the date of the application. It is quite possible that because of passage of time, the appellant's mother became unfit to do a regular job. Therefore, as a special case and without creating a precedent, the respondent Authorities may be directed to appoint the appellant on compassionate ground. Prima facie we are of the view that the restriction in the notification of 2013 will not apply.*

4. *However, the above is subject to actually finding the appellant's mother to be incapable of doing a regular job. For that purpose, we direct the Principal, North Bengal Medical College to constitute a Medical Board to examine the appellant's mother. The appellant and his mother will extend full co-operation. The exercise should be completed within four weeks from the date of communication of this order by the appellant or his learned Advocate to the Principal, North Bengal Medical College. The report of medical examination of the appellant's mother will be placed before this Court on the adjourned date.*

5. *The registry is directed to communicate this order to the Principal, North Bengal Medical College forthwith.*

6. *List the matter after four weeks before the then available Circuit Bench."*

3. Today, learned Advocate for the State has filed the medical report that the Co-ordinate

Bench had called for. Let the report be taken on record.

4. From the report we see that the Zonal Medical Board, North Bengal Medical College, has opined that the appellant's mother i.e. Lalmati Ram, is unfit for any kind of responsible job.

5. Learned Advocate for the appellant relied on a decision rendered on April 7, 2022, in FMA/117/2021, by a Co-ordinate Bench. For the satisfaction of learned Advocate for the appellant, we extract paragraph 15 of the judgment which the learned counsel relied upon;

> *"15. Before we delve into the factual aspect of the matter, we wish to clear the air by saying that the compassionate appointment is also a benefit attached to the service of an employee flowing from the relevant statutes, rules, or from the statutory scheme like any other benefits or rights. The right of compassionate appointment should be examined in the light of statutory rules, regulations or scheme by the Court provided such rules, regulations, or scheme themselves are not unconstitutional. A family member of a deceased employee can claim such appointment as a matter of right if he satisfies the conditions provided in such rules, regulations, or scheme. Looking from this angle it may not be necessary to view a compassionate appointment on the anvil of Article 14 for this kind of appointment is*

made without following regular recruitment rules."

6. Since the Bench has already opined that the State was at fault in keeping the application of the appellant's mother for compassionate appointment pending for a very long period of time, we are inclined to direct the Respondent Authorities, as a special case, without creating any precedent, to consider the appellant's case favourably and grant him appointment in a suitable group-D post within two months from date and we do so. It will not be necessary for the appellant to communicate this order to the respondents since the respondents are represented by the Learned Additional Govt. Pleader.
7. Accordingly, MAT/66/2026 along with CAN/1/2026 stand disposed of.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)