

Form No. J.(2)
Item No. 31
adeb - AR (CT)
Ct. No. 5

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

Before:
THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 2151 of 2022

**Nabadipa Das
VS.
The State of West Bengal & Ors.**

For the Petitioner : Mr. S.M. Obaidullah
Ms. Ankita Dey

For the State : Mr. Hirak Barman

Hearing concluded on : 19.02.2026

Judgment on: : 19.02.2026

SAUGATA BHATTACHARYYA, J:

1. Matter is finally heard in presence of the learned advocates representing the petitioner and respondent authorities.
2. Question crops up for consideration whether petitioner being the younger daughter of Group-D employee of Cooch

Behar Zilla Regulated Market Committee is entitled to be appointed on compassionate ground due to death of employee in-harness on 14th April, 2015.

3. After death of employee in-harness on 14th April, 2015 petitioners' mother being the widow applied for appointment on compassionate ground on 5th October, 2015 but ultimately for not submitting requisite documents candidature of widow could not be considered.
4. Petitioner filed a writ petition being WPA 2452 of 2021 (Nabadipa Das vs. The State of West Bengal & Ors.) which was disposed of by a coordinate bench vide order dated 23rd December, 2021.
5. On perusal of said order dated 23rd December, 2021 it appears that prayer of the petitioner in that writ petition was not allowed thereby giving direction upon the concerned respondent authorities to give appointment on compassionate ground since it was found that petitioner was minor at the time of death of the employee. However, direction was given upon the concerned respondent authority to inform the fate of application seeking appointment on compassionate ground to the widow of the deceased employee, if she approaches the concerned authority.

6. After the order was passed on 23rd December, 2021 by the coordinate bench Secretary, Cooch Behar Zilla Regulated Market Committee vide memo dated 22nd February, 2022 informed the widow of the deceased employee that request for contractual engagement on compassionate ground of Smt. Nabadipa Das was not granted by the authorities based on Government Order No. 251-Emp dated 3rd December, 2013 issued by the Labour Department.
7. Said Nabadipa Das being the younger daughter of deceased employee has filed the present writ petition seeking appointment on compassionate ground. Considering the prayer couched in this writ petition Court is confining consideration whether petitioner is entitled to get appointment on compassionate ground or not.
8. Indisputably on the date of death of the employee on 14th April, 2015 petitioner was minor and it is trite that minor dependant family member of the deceased employee who dies in-harness is not entitled to be considered for appointment on compassionate ground, if scheme does not provide such consideration. 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.)**. It was

succinctly decided by the Hon'ble Division Bench in **Arindam Choudhury** (supra) that right of a minor dependant family member due to death of employee in harness cannot be preserved till he or she attains majority, if scheme is silent.

9. In view of aforesaid situation no relief can be granted to the petitioner.
10. Writ petition stands dismissed.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)