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

06.10.2026
rc/ct.no.CB-06
Item No.01

WPA No. 2228 of 2025
Mousumi Karmakar (Dey)
Versus
The State of West Bengal & Ors.

Adv. Sandip Mandol
Adv. Amit Saha
Adv. Poonam Kaur
Adv. Samrat Acharya ..for the petitioner

Adv. Kunaljit Bhattacharjee
Adv. Rajni Singh Dev ….for the State

Learned counsel for the petitioner submits that the petitioner's husband was a licenced stamp vendor by virtue of licence issued in his favour on October 04, 2024. He expired on July 16, 2024 following which the petitioner submitted an application for compassionate appointment in place of her husband on July 25, 2024 on the ground that her husband was the sole earning member of the family and the family is facing extreme poverty upon his demise. The application is yet to be considered.

Learned counsel refers to a letter issued by the Deputy Secretary to the Government of West Bengal to the Collector, North 24 Parganas at Barasat on April 02, 2008 which records that in cases of granting a new stamp vending licence in favour of near relatives of a deceased on compassionate ground the age limit as prescribed in the department's memo dated August 22,

1997 may be relaxed to the extent considered necessary. Admittedly the petitioner was 37 years of age when she applied for the said appointment. The petitioner seeks consideration of her application in the light of the letter referred to above.

Learned counsel for the State submits that relaxation of age while granting appointment is the discretionary power of the authority. The letter referred to by the petitioner is addressed to the Collector, North 24 Parganas and is confined to the said district and not beyond. The petitioner was already above the required age limit when she filed the application for compassionate appointment.

I have considered the rival contention of the parties.

It is a fact that the petitioner was about 37 years of age when she applied for compassionate appointment upon demise of her husband. However, there was no delay in making such application since her husband expired on July 16, 2024 and the application was submitted on July 25, 2024. True, relaxation of age with regard to appointment is a discretionary power left to the concerned authority. In the notice issued by the District Magistrate, Coochbehar on October 25, 2024 inviting applications for granting new vending licence for sale of non-postal stamps, the criteria of age of the candidates is

mentioned as not less than 18 years and not more than 35 years as on January 01, 2024. The petitioner has admittedly crossed the said age limit. However, since the petitioner seeks compassionate appointment on the ground of extreme hardship and poverty and also, since this Court is informed that no appointment has been made pursuant to the notification dated August 25, 2024, the District Magistrate and Collector, Coochbehar, being the 3rd respondent herein, is directed to consider and dispose of the representation submitted by the petitioner on priority basis in the light of the contents of the letter issued by the Deputy Secretary to the Government of West Bengal on April 02, 2008 prior to dealing with fresh appointments in terms of the notification dated October 25, 2024.

Such exercise shall be completed within four weeks from the date of communication of this order.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

In the event the said authority arrives at a decision in favour of the petitioner, necessary consequential steps be taken at the earliest.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)