
(2016) 03 CAL CK 0177
In the Calcutta High Court
Case No : W.P. 3669(W) of 2016

Prosenjit Das

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision : 16-03-2016

Acts Referred:

Constitution of India, 1950 — Article 14, Article 16, Article 226

Citation : (2017) 1 WBLR 758

Hon'ble Judges : I.P. Mukerji, J.

Bench : Single Bench

Advocate : Mr. Kajal Ray, Advocate, for the Petitioner; Mr. Biswajit Dey and Ms. Tapati Samanta, Advocates, for the State; Mr. Tapas Kumar Ghosh, Advocate, for the Municipality

Final Decision : Disposed Off

Judgement

I.P. Mukerji, J.—The petitioner's father was an employee of Hooghly Chinsurah Municipality. He died on 31st October, 2011.

2. There appears to be no dispute that there is a provision in the Service Rules governing the Municipality, for compassionate appointment to certain dependants of deceased employees, subject to fulfilment of the eligibility criterion.

3. On 21st November, 2011 the petitioner applied for such compassionate appointment. It seems that the petitioner fulfils the basic eligibility criterion because his name appears in serial no. 11 in the list of similarly situated persons. The petitioner says that he has the requisite qualification and other eligibility criterion to be appointed as a clerk in the Municipality. This claim has to be duly verified.

4. On 18th January, 2016 the Directorate of Local Bodies, Government of west Bengal wrote to the Chairman of the Municipality giving him permission to fill up 10 sanctioned vacant posts of clerk in the Municipality.

5. The law need not be reiterated that the moment there is a vacancy for appointment to a post, a candidate eligible to be appointed as a dependant of a deceased employee has to be considered. The appointment has to be made following the list of similarly situated persons, serially subject to suitability of the candidate for the post. Top priority is to be given to these candidates.
6. Learned counsel for the petitioner submits that although the name of the petitioner is against serial no. 11, most of candidates do not have the qualification to be appointed as a clerk.
7. Learned counsel for the Municipality submits that all eleven names have been submitted to the Directorate of Local Bodies, for approval.
8. In those circumstances, I direct the Directorate of Local Bodies, Government of West Bengal to consider the application of the writ petitioner, in the light of the above observations and to take a decision with regard to his appointment as a clerk within eight weeks of communication of this order.
9. In the mean time, one post of clerk will be kept vacant to abide by the decision to be taken by the Directorate.
10. All the papers are before this Court. Affidavits were not invited. The allegations contained in the writ petition are deemed not to have been admitted.
11. The writ application is thus disposed of.