24.09.2026
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WPA 19570 of 2026

Hiramoni Majhi & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Pritam Chowdhury
Mr. Satyajit Mahata
Mr. Sourav Mondal
..... for the petitioners

Mr. Indrajit Dasgupta
Mr. Sunanda De Sarkar
..... for the State

1. A curious case has arisen in view of the surrendering facts of this case.

2. The petitioners are aggrieved that the petitioner no. 2, has been denied compassionate appointment, even though he had made the requisite applications and had indeed been recommended by a three-member committee. The father of the petitioner no. 2 was employed with the Government authorities and expired on August 18, 2011. Petitioner no. 2, born on April 1, 1995, was a minor at the time of his death.

3. The petitioner no. 2 applied for compassionate appointment, though the date for such application is not very clear. Admittedly the petitioner attained majority on April 1, 2013, and interestingly enough the application of the petitioner no. 2 was considered by the three-member committee and recommended for employment, by the committee on May 27, 2015.

4. Due to lapse of time and for reasons which are not very clear either from the petition or from the report filed by the authorities, there was no action taken on this recommendation and a second three-member committee was constituted, which again found the petitioner no. 2 to be eligible and made a recommendation sometime in March, 2018.

5. Again it is unclear as to what happened from 2018, after the second recommendation till the first rejection made on February 13, 2020. The rejection was made on the ground that the petitioner no. 2 was a minor on the date of death of his father in 2011. This rejection is ominously silent about the successive recommendations by the two duly constituted committees. These two committees discharged their function, strictly in line with the Notification dated March 1, 2016, bearing No. 26-Emp.

6. The application of the petitioner no. 2 on August 18, 2025, seeking reconsideration was rejected on September 9, 2025.

7. The petitioner no. 2 has challenged both the rejections on February 13, 2020 and September 9, 2025, by way of this writ petition. The financial penury and other surrounding hardships are probably the reasons why the petitioner no. 2 could not approach the Court earlier to challenge the order

of 2020, even though the recommendations of the committee were in place.

8. Grounds for rejection of the petitioner no. 2 are that the application of the petitioner no. 2 in 2019 was made after a delay of eight years, calculating this timeline from the date of death of the father of the petitioner no. 2 in 2011, till his second application, sometime in 2019. This rejection has completely glossed over the application of the petitioner no. 2 on the basis whereof, recommendations were made in 2015 and 2018, both finding the petitioner no. 2 to be eligible and to be appointed on compassionate ground.

9. Though it is true that a considerable period of time has lapsed since the death of the employee in 2011, and equally true that the compassionate appointment is not a matter of right, it cannot be ignored that two successive committees found the petitioner no. 2 eligible to be appointed as far back as in 2015 and in 2018. There is no such ground appearing from the orders of rejection, that the recommendations were untenable or unsustainable either on facts of the case or in law.

10. In view of the aforestated findings, it would be trite that the respondent authorities consider the candidature of the petitioner no. 2 afresh without insisting or relying on the ground that the application

of 2019 was made upon considerable delay. It is the first application on the basis whereof the recommendations have been made by the two committees, which should be taken into account and be followed as a yardstick to either accept or reject the candidature of the petitioner no. 2.

11. The concerned authorities will complete the entire process within a period of eight weeks from date and communicate the resultant order to the petitioners within a week thereafter.

12. With the aforestated directions, the writ petition is disposed of.

13. There will be no order as to costs.

14. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Reetobroto Kumar Mitra, J.)