

09.03.2026
Sl. No.26(DL)
Ct. No.14
srm

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

W.P.A. No. 1703 of 2025

Renuka Bhuniya

Versus

The State of West Bengal & Ors.

Mr. Bibekananda Tripathy

...for the Petitioner.

Mr. Bhaskar Prasad Vaisya, AGP

Mr. Ranjan Saha

...for the State.

Mr. Kamal Mishra

...for the DPSC, Purba Medinipur.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for cancellation and/or withdrawal of Memorandum No.1497/D.H dated 3rd August, 2023 of Chairman, District Primary School Council, Purba Medinipur and Memorandum No. 924/1(1)/SC/P dated 6th November, 2023 of Commissioner of School Education.
3. The petitioner contends that her husband was Acting Headmaster of Chargolia School under Nandigram East Circle, Purba Medinipur. The petitioner's husband died-in-harness on 7th June, 2021. Subsequent thereto, the petitioner made an application for compassionate appointment on 27th September, 2022. However, the application of the petitioner for appointment on compassionate ground in group-C and/or group-D post was rejected on the

ground that she was more than 45 years of age at the time of death of her husband which contravenes the Notification No.331-SE(P)/10M-06/2009 dated 26th June, 2009. Thereafter, on 12th August, 2023, the petitioner made another application for relaxation of the upper age limit which was forwarded to the Commissioner of School Education, Government of West Bengal. However, the same was not considered since the Commissioner of School Education was not the competent authority to relax the upper age limit for appointment on compassionate ground under died-in-harness category. On 16th December, 2024, the petitioner made an application before the Principal Secretary, School Education Department, Government of West Bengal seeking for relaxation of the upper age limit for appointment on compassionate ground. However, the same is still pending. Hence this writ petition.

4. Mr. Kamal Mishra, learned Advocate appearing for the District Primary School Council, Purba Medinipur submits that the Principal Secretary is the appropriate authority to take a decision as to the relaxation of the upper age limit.
5. Mr. Bhaskar Prasad Vaisya, learned AGP representing the state-respondents submits that there are no such existing rules for relaxation of upper age limit. He seeks to file a report.
6. State is directed to furnish a report disclosing whether there is any provision for relaxation of upper age limit

under the existing Rules applicable in case of the petitioner, on the returnable date.

7. List this matter after three weeks under the same heading.

(Bivas Pattanayak, J.)