

S/L 07
20.01.2026
Court No.04
B.K.N

W.P.S.T. 166 of 2023
Kartic Alias Kartick Biswas
Vs.
The State of West Bengal & Ors.

Mr. Uttiya Ray,
Mr. Ashutosh Pal

...for the Petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Ms. Sangeeta Roy

...for the State.

1. Affidavit-in-reply filed by the petitioner is taken on record.
2. Heard the learned advocate for the parties.
3. In terms of an order passed in the petitioner's earlier Original Application the reasoned order was issued by the Secretary to the Government of West Bengal in the Public Works Department. Clause 4 of the reasoned order states:

“4. In spite of considering the deceased employee deemed to have been absorbed in the regular establishment the present applicant is ineligible on other criteria.”

4. The issue, therefore, regarding the petitioner's father earlier having worked for 37 years in the work charge department, therefore, was laid to rest pursuant to the orders passed earlier in O.A. 40 of 2019 filed by the petitioner as manifest from the reasoned order, Clause 4. The petitioner's claim for compassionate appointment, however, has remained elusive till date. The authorities have denied the grant of such appointment to the

petitioner on the ground which is stated in Clause 3 of the reasoned order which reads:

“3. The applicant did not fulfill the criteria of educational qualification and maximum age limit as per extant rules since he is Class VI pass and his present age is more than 45 years.”

5. Insofar as the maximum age limit is concerned, the authorities have considered the petitioner's claim with reference to the date on which it is being considered. Apparently the delayed consideration is founded on the factual premise that the authorities earlier took no steps in this regard and only after orders passed by the Tribunal in the Original Application they have proceeded to consider the petitioner's claim.
6. Therefore, we are *prima facie* of the view that the age of the petitioner as existing on 11.02.2011 (date of demise of his father in harness) is the relevant date for assessment of his age for the purpose of satisfying the minimum and maximum age criteria for compassionate appointment. The other aspect, however, is that the petitioner does not possess the requisite qualification (8 pass).
7. The petitioner's claim has been considered with reference to Emp-251 dated 03.12.2013 wherein Note (b) to Clause 6 contains a provision wherein the educational qualification may be relaxed in “eligible cases”.
8. We have, therefore, enquired from the learned AGP as to whether there is any provision in any other executive instruction providing the parameter for assessment of “eligible cases” as contemplated in Note (b).

9. The learned AGP submits that he would avail instructions in this regard and assist the Court with reference to the provisions, if any.
10. List this matter on **10th February, 2026**.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)