

17.07.2023
SL No.2
Court No.8
(gc)

**FMA 981 of 2014
CAN 3 of 2023**

**Debabrata Bera
Vs.
State of West Bengal & Ors.**

Mr. R. Basu,
Mr. S.T. Mina
...for the State Respondents.

Re: CAN 3 of 2023

This matter was adjourned from time to time in order to enable the appellant/petitioner to appear in person to make his submission.

The appellant/petitioner is not represented.

It appears that the review application was dismissed by a Coordinate Bench on 27th November, 2018. This application has been filed for regularizing the service of the writ petitioner as an organizing teacher. It appears from the order of the learned Single Judge that the Director declined to regularize the service of the writ petitioner by referring to the qualifications of the writ petitioner, the staff at the concerned school and the requirements of the school. The Hon'ble Division Bench dismissed the appeal after recording that Haradhan Mandal was given the appointment, was a pure science teacher engaged by the school in 1978 whereas the appellant, also a pure science teacher,

was engaged in 1979. In 1982 when the school was upgraded from 2-class Junior High School to 4-class Junior High School, there was one post for pure science that could be adjusted against Haradhan Mandal. The review application filed by the petitioner was also dismissed on 27th November, 2018 on the ground that:

“The purported cause of action in the RVW harks back to 1982. With the long efflux of time to the present day, deeply entrenched third party rights have grown roots.

The apropos (sic.) adjudication, assuming that the review applicant has been able to make out a case of mistake, lies by way of an appeal. Learned State Counsel submits that the present RVW can be construed as a camouflage to save the limitation lost in filing a regular appeal.”

In view of the aforesaid, we are not inclined to entertain this application which is in effect seeking a review of the order passed in the earlier review application.

Accordingly, the application being CAN 3 of 2023 stands dismissed.

However, there shall be no order as to costs.

However, this order shall not prevent the applicant to seek appropriate legal remedies in accordance with law.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)