

WPA 7155 of 1987
IA No. CAN 3/2018 (Old No. CAN 4292 of 2018)
CAN 4/2022
(Via Video Conference)

Panchanan Kar
Vs.
The Director of Public Instruction & Ors.

Mr. Sobhan Majumder

..for the Applicant

Ms. Sanghamitra Nandy
Ms. Paramita Pal

...for the State

Affidavit-of-service filed on behalf of the applicant is taken on record.

Both the applications being CAN 3 of 2018 and CAN 4 of 2022 are taken up for hearing, CAN 3 of 2018 is an application for recall of the order dated 14th January, 2015 passed by a coordinate Bench and CAN 4 of 2022 is an application for condonation of delay in presenting the recalling application.

Both the applications are taken up for hearing in presence of the learned advocates representing the applicant and the State-respondents.

It appears that the connected writ petition being C.O. 7155 (W) of 1987 was dismissed for default on 14th January, 2015 by the coordinate Bench and for recall of the said order dated 14th January, 2015 application was filed on 2nd July, 2018 which is more than three years after the writ petition stood dismissed for default. Subsequently,

on 11th February, 2022, more than three and half years after filing the recalling application, application being CAN 4 of 2022 was filed for condonation of delay in filing the recalling application.

This Court has perused the explanation offered in paragraph-10 of the application for condonation of delay wherefrom it appears since the applicant was suffering from spondylitis along with diabetes on and from 10th June, 2014 delay caused in filing said recalling application.

This Court having seen the explanation offered for condonation of delay is not satisfied and it appears to this Court that no plausible explanation has been offered in support of condonation of delay in presenting recalling application since the delay is more than three years.

In addition thereto this Court has also heard the writ petitioner on merit of the connected writ petition. It appears that one order dated 28th June, 1978 passed by the then District Inspector of Schools (S.E.), Burdwan was under challenge in the writ petition whereby approval granted in favour of the writ petitioner/applicant was withdrawn. By this time the writ petitioner has crossed age of superannuation of 60 years. Therefore, if both the applications which are being considered today by this Court are allowed nothing remains to be decided on the writ petition.

Accordingly both the applications being CAN 3 of 2018 (Old No. CAN 4292 of 2018) and CAN 4 of 2022 stand dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Saugata Bhattacharyya, J.)