

DL. November
34. 8, 2021

Through Video Conference

M.A.T. 896 of 2021

Saswati Das

Vs.

State of West Bengal & ors.

Ms. Rama Halder,
Mr. Subrata Kumar Santra,
...for the appellant.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey,
...for the Central
School Service Commission.

Re: CAN 1 of 2021 (stay)
filed on September 2, 2021.

Although the matter is appearing under the heading “application”, by consent of the parties, the appeal itself is taken up for consideration.

The appellant/writ petitioner is aggrieved by an order passed on July 23, 2021 in WPA 11012 of 2021 by which the learned Single Judge dismissed the said writ petition finding it to be a frivolous one in view of the order passed on July 9, 2021 in WPA 10789 of 2021 (Abhijit Ghosh vs. State of West Bengal & ors.).

Dr. Sutanu Kumar Patra, learned counsel appearing on behalf of the West Bengal Central School Service Commission, submits that the commission is in the process of implementing the order dated July 9, 2021 as modified by a co-ordinate bench of this

court on July 20, 2021 and that the commission has recently filed an application for extension of time to comply with the direction given by the co-ordinate bench. It is submitted that there was no necessity as such to file an application by the appellant, namely, Saswati Das, as she was already covered by the order passed by the learned Single Judge on July 9, 2021.

What really irked the learned Single Judge is an attempt to overreach the order dated July 9, 2021 by which the persons, similarly placed with that of Abhijit Ghosh, were permitted to make representation by July 31, 2021 and the appellant, having knowledge of the said order by which the benefit was extended to Abhijit Ghosh, and the persons similarly placed to Abhijit Ghosh ought not to have filed the writ petition or proceeded with the matter in order to obtain a different kind of order.

The learned advocate for the appellant submits before us that the appellant made the representation on July 16, 2021 and in view thereof the said writ petition ought not to have been proceeded further and the matter could have been disposed of on the basis of the order passed by the learned Single Judge on July 9, 2021 in WPA 10789 of 2021.

The learned Single Judge, in our view, has rightly observed that the grievance of the writ petitioner, in view of the order dated July 9, 2021, does not call for any further adjudication. On such finding, the writ petition was dismissed.

We do not find any reason to interfere with the order passed by the learned Single Judge.

The appeal and the application for stay, thus, stand

dismissed without, however, any order as to costs.

(Soumen Sen, J.)

dns

(Rabindranath Samanta, J.)