

18 27.01.2021
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W.P.A. 17210 OF 2019

(Through Video Conference)

Shashi Sinha @ Shashi Kiran

Vs.

The State of West Bengal & Ors.

Mr. Tarapada Das
Mr. Chandan Dutta.

... For the Petitioner

Ms. Sanghamitra Nandy
Mr. Bhaskar Chakraborty.

...For the State

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated November 25, 2013 passed by the Commissioner of School Education, West Bengal. It is to be noted that the order of the Commissioner of School Education, West Bengal was passed pursuant to an order of this High Court dated December 17, 2012.
2. The documents in the petition indicate that the petitioner's husband was the employee, who retired in the year 2008. The impugned order is dated November 25, 2013 and the first demand of justice was made by the petitioner after three years on December 19, 2016. Subsequently, a writ petition was filed by the petitioner in the year 2017 bearing W.P. No. 29090 (W) of 2017.
3. During the pendency of the writ petition, the petitioner died and accordingly, the matter abated.

Subsequently, the present writ petition has been filed by the wife of the writ petitioner on August 29, 2019.

4. In my view, this writ petition is not maintainable as there is an inordinate delay on behalf of the original claimant (the petitioner's husband) in filing the writ petition in the year 2017 challenging the order of 2013.

5. It is to be noted that the laws of Limitation applies in writ jurisdiction and delay of more than three years cannot be condoned until sufficient reason can be shown.

6. I find no reason to keep the writ petition pending.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

8. Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)