

Item No. 13

18.04.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 4187 of 2022
Sib Sankar Mondal & Anr.
v.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Debabrata Mondal
Mr. Sandipan Das
Ms. Debalina Sarkar
Mr. Sayan Banerjee
Mr. Ankur Sharma
... for the petitioners.

Mr. Bhaskar Prosad Vaisya
Mr. Gaurav Das
... for DPSC, South 24-Parganas.

The petitioners claim to be organizer teachers of one Purba Radhanagar Kantaram Free Primary School. They seek recognition of the above Institution.

An earlier writ petition praying for recognition of the school was filed before this Court in the year 1984. The said writ petition being Co. No. 18256(W) of 1984 was disposed of by this Court on February 2, 1990 directing the President of the Ad hoc Committee of the District School Board to consider the application for recognition of the said school.

Learned advocate for the petitioner submits that a further writ petition being WP No. 21044(W) of 2000 was filed before this Court praying extension of time for filing

the application for recognition. Order was passed by this Court in the aforesaid writ petition in the year 2001.

Pursuant to the direction passed in the said writ petition a representation was filed praying for recognition in the year 2001. The said representation was considered by the Chairman of South 24-Parganas District Primary School Council and the prayer for recognition stood rejected by a communicating letter bearing No. 7132 dated June 7, 2002.

The petitioners filed the present writ application on 7th March, 2022 praying for setting aside the order dated June 7, 2002.

Learned advocate representing the Council raises the point of delay in filing the present writ application.

It appears that the first writ petition praying for recognition of the school was filed in the year 1984 which stood disposed of in the year 2000. Steps were not taken by the petitioners in compliance of the said order passed in the year 2000.

A further writ petition was filed in the year 2000 pursuant to which an application was made in the year 2001 which stood rejected by the Council in the year 2002.

The present writ petition has been filed in March, 2022 assailing the order dated June 7, 2002.

It is settled law that though there is no time limit for filing an application under Article 226 of the Constitution of India, but the applicant has to approach the Court at the earliest possible time.

The order impugned in the present case was passed in June 2002. The petitioners assail the same by filing the writ petition in the year 2022.

No explanation whatsoever has been given for filing the writ petition after such a long period of time.

The writ petition suffers from inordinate unexplained delay. The Court is not inclined to interfere in the present case.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)