

Court No. 24
14.01.2022
(Item No. 27)
(AB)

W.P.A. 16787 of 2021
(via video conference)

Papia Malik (Sarkar)
VS
The State of West Bengal & Ors.

Mr. Mohit Gupta
..... for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee
..... For the State

The petitioner seeks for the benefit passed in the order dated 24.01.2019 by the Hon'ble Supreme Court in Civil Appeal No. 1071 of 2019 arising out of SLP (C) No. 29518 of 2016 (Amina Khatun and Ors. Vs. Birbhum District Primary School Council & Ors.).

The Court in the said order clearly mentioned that the entire exercise shall be completed and letters of appointment be issued within a maximum period of three months from date. The time limit specified by the Hon'ble Supreme Court expired on 23rd April, 2019.

The petitioner submitted representation for consideration of her case before the respondent authority on 27th November, 2020.

The prayer of the petitioner stood rejected by the School Education Department by the impugned order dated 6th September, 2021. The respondent authority was of the opinion that the petitioner submitted her application along with the supporting documents long after the stipulated time limit passed by the Hon'ble Supreme Court expired and so the representation filed beyond the time limit cannot be considered as valid representation.

I do not find any illegality in the observation of the School Education Department. When time limit was fixed by the Hon'ble Supreme Court it is not possible for the School Education Department to extend the same and pass any order which is contrary to the direction passed by the Hon'ble Supreme Court.

The submission of the petitioner is that time was framed by the Hon'ble Supreme Court directing the respondent authorities to complete the process of appointment. There was no time limit fixed by the Supreme Court giving direction to the petitioners.

The aforesaid contention of the petitioner cannot be accepted by the Court. The respondent authority could not have completed the entire process in the absence of the representation from the petitioners.

In the instant case the petitioner applied before the authority long after the time fixed by the Supreme Court expired.

In view of the above, there is no reason for interference with the impugned order passed by the School Education Department.

The writ petition fails and is hereby dismissed.

The affidavit of service filed in Court today is taken on record.

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

(Amrita Sinha, J.)