

Court No. 24
09.02.2022

(Item No. 1)
(AB)

W.P.A. 18692 of 2021
(via video conference)

Ashia Khatun
VS
The Secretary, Ministry of School Education (Primary
Education), Govt. of West Bengal & Ors.

Mr. Ibrahim Shaikh
..... for the petitioner
Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Haque
..... for respondent No. 6
Mr. Santanu Kumar Mitra
Mr. Mirza Kamruddin
..... for the State

The petitioner was engaged as Para-Teacher. For her personal reasons, she tendered resignation from service as Para-Teacher on 21st August, 2010. An application for reinstatement was filed by her before the Headmistress of the Primary School on 5th September, 2019.

The petitioner has thereafter made a further representation before the other respondents in February, 2020 praying for reinstating her in service.

The learned advocate for the petitioner submits that she had to tender her resignation on the pressure of her ex-husband. It has been submitted that several criminal proceedings were ongoing between the petitioner and her husband and accordingly she could not take steps for reinstatement in service.

After the criminal proceeding was quashed by an order passed by this Court on 10th March, 2017 in CRR 3322 of 2012 (Ashia Khatoon Vs. The State of West Bengal & Anr.) she filed the application for reinstatement.

It appears from the submissions made on behalf of the petitioner, that she tendered her resignation without any pressure from the School authority or from the respondent authorities. Her resignation has got nothing to do with the private dispute between the petitioner and her husband. The criminal case which the petitioner relies upon was quashed in March, 2017, even thereafter the petitioner took more than two years to file the application for reinstatement in September, 2019.

The petitioner has approached this Court with prayer for reinstatement nearly 12 years after she tendered her resignation. The resignation of the petitioner has attained finality in the meantime.

The prayer of the petitioner for reinstatement accordingly cannot be accepted by the Court.

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.

(Amrita Sinha, J.)