

24.
7.04.2022
S.D.

W.P.A. 21474 of 2021

**Seikh Samsul Islam & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Piyush Chaturvedi
Mr. Subhas Chandra Atha
Ms. Payel Paramanik

... For the Petitioners.

Mr. Bhaskar Prasad Vaisya
Mr. Mrinal Kanti Ghosh

..For the State.

The petitioners draw attention of the Court to the order dated 03.05.2018 passed by the Hon'ble Supreme Court in Civil Appeal No. 4772 of 2018 arising out of Special Leave Petition (C) No. 3775 of 2018 (Naba Parjay West Bengal Primary Organizer Teachers' Association vs. State of West Bengal & Ors.).

By the said order, the Hon'ble Supreme Court was pleased to direct the Secretary of the West Bengal State Legal Services Authority to verify the remaining grievance of the appellants and the intervenors/impleading applicants as on 25.04.2018. The Secretary of the West Bengal Legal Services Authority after notice to the West Bengal Board of Primary Education was directed to complete the verification process in respect of the appellants and the intervenors/impleading applicants before this Court as on

25.04.2018 and to submit a report to the Secretary, Education Department.

The Court fixed the time limit for completion of the entire process within four months from the date of the order. The Secretary, Education Department was directed to take steps for appointment, if any, within a month thereafter.

The Hon'ble Supreme Court was further pleased to direct that no Court shall entertain any further challenge on the report submitted by the Secretary and there shall be no further dispute in that regard. The Secretary was also directed not to entertain any fresh applications or fresh record. The Registry of the Hon'ble Supreme Court was directed to forward to the Secretary of the West Bengal Legal Services Authority all records within ten days from date.

According to the petitioners, the Secretary, District Legal Services Authority by a communication dated 02.07.2018 directed the petitioners to fill up the detailed information in the format that was annexed and submit the same along with self attested required documents to the Secretary, District Legal Services Authority of the concerned district within whose local jurisdiction the petitioners reside within 16.07.2018 positively as the verification was required to be completed within a stipulated time.

According to the petitioners, they submitted required information on 16.07.2018, but they were not informed anything with regard to the fact of their applications.

The petitioners filed representation through their learned advocate on 27.10.2021 before the State Legal Services Authority and allege that the said representation has not been considered or answered till date.

Learned advocate for the State respondents submits, upon instructions that, the order passed by the Hon'ble Supreme Court has been duly complied with.

It appears from the order passed by the Hon'ble Supreme Court referred to hereinabove that a specific time period was fixed by the Hon'ble Supreme Court within which the verification process was to be completed. Thereafter, the Secretary of the District Legal Services Authority was to submit a report to the Secretary of the Education Department. The time period for completing the entire process is long over. The petitioners, after three years of the completion of the enquiry, filed representation before the Secretary of the Legal Services Authority in October 2021 seeking to enquire the fate of their applications.

On the face of record, it appears that the petitioners did not take any steps after documents were submitted by them for verification. It is only in October 2021 that they suddenly woke

up from their deep slumber and applied before the Legal Services Authority praying to know the fate of their applications. It has been submitted that the petitioners have a right to be informed with regard to the fate of their applications.

From the order passed by the Hon'ble Supreme Court, it is clear that the Government was directed to take steps for giving appointment within a month after completion of the verification process. The fact that no intimation was given to the petitioners imply that they were unsuccessful in the verification and accordingly no further intimation was given to them. The petitioners possibly accepted the said situation and accordingly did not raise any grievance and/or make any representation before either the Legal Services Authority or the Secretary of the Education Department.

At this stage directing the Secretary of the State Legal Services Authority to intimate the fate of the application of the petitioners will not serve any purpose. The time period of compliance of the order passed by the Hon'ble Supreme Court is long over. There is no reason to give a fresh lease of life to a process which stood long concluded by virtue of the order passed by the Hon'ble Supreme Court.

The Court does not find any reason to interfere in this matter. The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)