

19.09.2023
SL No. 10
Court No. 8
(gc)

**FMA 1191 of 2022
CAN 1 of 2022**

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

Mr. Syamal Kr. Das,
Mr. Somnath Banerjee,
Ms. Krishna Yadav
...for the Appellant.
Mr. Bhaskar Prasad Vaisya, A.G.P.,
Mr. Sagnik Chatterjee
...for the State.

1. The appellant has submitted that for reasons beyond her control, she could not make the representation within the time limited by the Hon'ble Supreme Court in Civil Appeal No.1071 of 2019 arising out of SLP (C) No.29518 of 2016 (Amina Khatun & Ors. Vs. Birbhum District Primary School Council & Ors.) by the order dated 24th January, 2019.
2. In view of the fact that the representation was made beyond the time prescribed in the order dated 24th January, 2019, the School Education Department rejected the said application and in doing so, we are of the view that the School Education Department has rightly interpreted the order.
3. Accordingly, we do not find any illegality in rejecting the said application by the School

Education Department. The time limit fixed by the Hon'ble Supreme Court cannot be extended by the School Education Department to facilitate the appellant.

4. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.
5. Accordingly, the appeal and the application stand dismissed.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Prasenjit Biswas, J.)

(Soumen Sen, J.)