

Court No.
17.8.2023

(Item No. 97)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 6430 of 2013

Purnima Das & Ors.
VS
The State of West Bengal & Ors.

Mr. Samim Ahamed
Ms. Ambiya Khatun
..... for the petitioners
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
... for respondent Nos. 2 & 3

It appears from record that, the writ petition was dismissed for default on **August 25, 2022**. The application for restoration of writ petition being **CAN 1 of 2023** was coupled with an application for condonation of delay being **CAN 2 of 2023**. Both the said applications were taken out at the behest and instance of **writ petitioner No. 10**, namely, **Smt. Anita Chakroborty only**. The rest of the writ petitioners did not apply for restoration of the writ petition.

By an order dated April 28, 2023 a co-ordinate bench allowed both the said two applications and the writ petition was restored. Therefore, the writ petition was restored **only at the instance and behest of and for the writ petitioner No. 10 only** and the writ petition stood and still stands dismissed for default as against the rest of the writ petitioners.

Therefore this order is being passed **shall be restricted to the case and claim of the writ**

petitioner No. 10, namely, Smt. Anita Chakroborty only and not for any other writ petitioners.

The issue involved in this writ petition being identical with a previous writ petition being **W.P.A. No. 450 of 2013**, which has already been decided by a co-ordinate bench by its order dated **June 29, 2022**. On perusal of the said order of the co-ordinate bench dated **June 29, 2022**, I am also in respectful agreement thereof.

The learned counsel appearing for the parties today before this Court have also confirmed that, no appeal was carried out from the said order dated **June 29, 2022** and the same still governs the field.

Learned counsel for the respondent Nos. 2 and 3 has also confirmed that, the said order dated **June 29, 2022** passed by the co-ordinate bench has been complied with by the Commission..

Learned counsel for the parties have further confirmed this Court that, the **petitioner No. 10, namely, Smt. Anita Chakraborty** is also an identically and similarly placed aspirant, who participated in the **12th RLST in the year 2011** for the same subjects also.

Considering the above, this writ petition being **W.P.A. 6430 of 2013** stands **disposed of in the light of the said dated June 29, 2022 passed by the co-ordinate being in W.P.A. 450 of 2013 with the same direction to be carried out by the respondent**

Nos. 2 and 3. The directions made in the said order dated **June 29, 2022** shall be carried out by the respondent Nos. 2 and 3 in the instant writ petition within a period of three weeks from the date of communication of this order.

There shall be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)