

31 10.10.2023

Ct-08

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FMA 3034 of 2015
with
I.A No. CAN 1 of 2015(Old CAN No. 6628 of 2015)

Smt. Rina Halder
Vs.
The State of West Benal & Ors.

Mr. Narayan Chandra Bhandary
... For the Appellant

1. We have heard the learned counsel appearing for the appellant.

2. It appears that in the fourth round of litigation the petitioner prayed for approval of her appointment as an Organiser Teacher. It was dismissed. However, having regard to the fact that the petitioner was unemployed, learned Single Judge refrained from imposing any cost.

3. Earlier the writ petition was filed seeking selfsame reliefs. The writ petition being WP 20964(w) of 2010 was dismissed by Hon'ble Justice Jyotirmay Bhattacharya on 25th November, 2011. Even after dismissal of the writ petition, issues in the third writ petition she continued with her attempt to get approval. She filed a civil suit in the court of the Civil Judge, Junior Division, 2nd Court at Uluberia and obtained an ex parte decree on 16th September, 2014. It appears from the plaint that while the first two rounds of litigation were referred to therein by the petitioner, she concealed the fact of dismissal of the third writ petition, namely, WP

20964(w) of 2010 on 25th November, 2011.

4. Mr. Narayan Chandra Bhandary, learned counsel representing the appellant, has reiterated that the suit having been decreed in favour of the petitioner and the fact that in similar other cases relief has been granted to organiser teachers, similar relief may be extended to the petitioner. However, the learned Single Judge relying upon the order of dismissal of WP 20964(w) of 2010 on 25th November, 2011 and several other decisions of this Court on the point dismissed the writ petition.

5. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

6. In view of the aforesaid, the appeal being FMA 3034 of 2015 stands dismissed.

7. In view of the dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 6628 of 2015 and the same is accordingly dismissed.

8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

