

22.04.2024
Item No.32
RP
Ct. No.7

WPA 16343 of 2007
With
IA No.CAN 1 of 2024
Smt. Baby Mondal
Vs.
The State of West Bengal & Ors.

Mr. Asim Banerjee
Mr. Bholanath Pramanick
Ms. Mrinmoyee Roy Chowdhury
.... For the Petitioner
Mr. Bibekananda Tripathi
Ms. Ratna Das
.... For State

In Re.: CAN 1 of 2024

Affidavit-of-service filed in Court today be kept on record.

This is an application for restoration. After hearing the learned advocates for the parties and considering the statements made in the affidavit in support of the application, this Court is of the considered view that the petitioner was prevented by sufficient cause for not appearing on 5th December, 2023. Accordingly, the order dated 5th December, 2023 is recalled and CAN 1 of 2024 is allowed.

In Re. WPA 16343 of 2007

The petitioner claims that pursuant to an advertisement for the post of additional ANM under the Block Development Officer, Raninagar-I she applied for the same on October 11, 2005. The grievance of the petitioner is that in spite of the fact that she had requisite qualification for being appointed to the post of Additional ANM, the respondent authorities prepared a panel placing the

6th respondent in the first position of the panel and she was given appointment to the said post. The petitioner submitted a representation before the concerned Block Development Officer on 24th January, 2007 which is annexed as Annexure P-3 at page 25 of the writ petition. It is not in dispute that no decision on such representation has been communicated to the petitioner till date.

The learned advocate appearing for the State submits that the petitioner is not entitled to get the appointment, as there has been a long delay.

The petitioner submitted a representation on 24th January, 2007 and filed the writ petition immediately thereafter i.e. on July 27, 2007. Therefore, the petitioner cannot be faulted that the writ petition is being pending before this Hon'ble court for a long time.

Considering the fact that no decision has been communicated to the petitioner on her representation dated 24th January, 2007 addressed to the Block Development Officer, Raninagar, Murshidabad, this Court direct the Block Development Officer, Raninagar-I, being the 4th respondent in the writ petition, to consider the representation of the petitioner dated 24th January, 2007 and after hearing the petitioner and the private respondent or their authorized representatives, to dispose of the same by passing a reasoned order. The petitioner shall be obliged to submit a copy of the representation dated 24th January, 2007 as well as server copy of this order to the Block Development Officer, Raninagar-I. The entire exercise shall be completed by the said respondent as expeditiously as possible but positively within a period of eight weeks from the date of receipt of the server copy of this order along with a copy of the representation.

With the aforesaid direction, this writ petition is disposed of.

(HIRANMAY BHATTACHARYYA, J.)