

14.12.2023
Item No.21
Ct. No. 8
Aloke

MAT 1374 of 2022
with
IA No. CAN 1 of 2023
With
IA No. CAN 2 of 2023

Md. Abdur Rashid
Vs.
The State of West Bengal & Ors.

Mr. Tushar Kanti Mukerhjee
... for the appellant/petitioner
Mr. Sagnik Chatterjee
... for the State

The appellant/petitioner is aggrieved by the order dated 17th February, 2022 and has preferred this appeal.

The appellant is a retired Primary School Teacher. He retired from service on 30.09.2009 after completing 16 years 7 months and 16 days in service. The date of issuance of the letter of appointment of the appellant/petitioner is mentioned as 28th January, 1993. The appointment was made pursuant to an order passed by Justice Ajit Kumar Sengupta as His Lordship then was in **CO 2002 (W) of 1986** on 7th February, 1990.

The appellant/petitioner has not placed any order to show that his service should be counted from the date when he allowed to have joined the institution in 1983. In fact, the record that produced by the Sub Inspector of School would show that there was no such

issue namely Abdur Rasid son of late Mamtaj Mondal under Berachampa, North 24 Parganas rather it is Md. Abdur Rasid son of late Punjab Ali.

The letter of appointment dated 28th January, 1993 has not been challenged during the course of employment. The said issue has been raised in the year 2018. On the basis of the available record produced before the learned Single Judge and before us it appears that he joined the service on 28th January, 1993. The learned Single Judge has meticulously dealt with the facts.

Admittedly, the appellant/petitioner had accepted his appointment from 28th January, 1993 and at this stage we cannot grant any relief to the appellant/petitioner in absence of any confusing evidence with regard to his serving the school since 1983.

On such consideration, the appeal fails.

MAT 1374 of 2022 and the connected applications are disposed of.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon usual undertakings.

(Soumen Sen, J.)

(Uday Kumar, J.)