

09.
12.04.2023.
Ct. No. 11.
F.B.

**MAT 1404 of 2022
with
IA No. CAN 1 of 2022**

**Ashok Kumar Ghosh
-Vs.-
State of West Bengal & Ors.**

**Mr. Prahlad Chandra Ghosh,
Mr. Subir Hazra
..... For the Appellant.**

**Mr. Jaharlal De,
Ms. Debarati Sen (Bose)
..... For the State.**

Party/Parties is/are represented in the order of their name/names as printed above in the cause title.

The appeal is directed against the Order of the Hon'ble Single Bench dated 25th of July, 2022 passed in the Writ Petition, being WPA 10292 of 2015. By the said impugned Order, the Hon'ble Single Bench was pleased not to accept the argument of the present appellant/the writ petitioner that he should be recognised and appointed as the Headmaster or the Teacher-in-charge of the Respondent/the School-in-issue. The Hon'ble Single Bench came to the finding that the writ petitioner was never appointed as Teacher-in-charge or Headmaster of the School-in-issue.

During pendency of this appeal this Court is informed that the appellant/the writ petitioner has retired in the capacity of Assistant Teacher of the School-in-issue.

Mr. Ghosh, Learned Counsel appearing for the appellant/the writ petitioner with Mr. Hazra, Learned Advocate-on-record, submits that after his retirement the appellant has not received a single farthing towards his retirement benefits. It is also submitted that at this stage after his retirement, the appellant is not interested in pursuing the appeal.

Accordingly, this Court is not required to detain this appeal by engaging itself on the merits of the Order passed by the Hon'ble Single Bench.

MAT 1404 of 2022 with IA No. CAN 1 of 2023 stands accordingly **withdrawn as infructuous**.

However, the withdrawal of this appeal will not prevent the School Authorities and the District Inspector of Schools (Secondary Education), Malda to finally process the superannuation papers of the appellant and disburse the same in accordance with law and preferably not later than a period of eight weeks from the date of communication of this Order.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Supratim Bhattacharya, J.) (Subrata Talukdar, J.)