

Items- 17&18. 14-06-2024

sg Ct. 29

RVW 30 of 2024

CAN 1 of 2024

In

MAT 586 of 2022

With

MAT 773 of 2022

Somnath Ghosh & Ors.

Versus

The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury

Mr. Rajib Ghosh

Mr. Babhru Bahan Bera

...for the applicants/respondents/
writ petitioners

Mr. Biswabrata Basu Mallick

Mr. Sanjib Das

...for the State appellant

Mr. Prasenjit Mukherjee

Ms. Madhurima Sarkar

...for the Madrasah Service Commission

1. Affidavit of service filed in Court is taken on record.

In Re: CAN 1 of 2024

2. This is application for condonation of delay. There is a delay of 68 days in filing the review application.
3. Sufficient cause being shown for not being able to file the review petition within the period of limitation, the delay of 68 days in filing the review petition is condoned and the prayer for condonation of delay is allowed.
4. CAN 1 of 2024 is, thus, disposed of.

In Re: RVW 30 of 2024

5. This application has been filed with the object of rehearing of the appeal on merits.

6. The review application has been filed on the ground that the Hon'ble Division Bench has failed to consider and appreciate that no option was given to the applicants at the time of their appointment to choose schools as because during that time Madrasah was considered as a school.
7. All points raised in the review petition have been extensively discussed and considered in the judgment dated 19th October, 2023. The grievance of the party with regard to option and transfer were also considered extensively in our judgment. In fact, what would be the status of the present petitioners after coming into operation of the West Bengal Madrasah Service Commission Act, 1008 was argued extensively and accordingly considered in our judgment.
8. It is well-settled that the review jurisdiction cannot be invoked for the purpose of re-hearing of the appeal on merits. None of the grounds of which a review application can be admitted and heard are present in the instant case.
9. On such consideration, the review application stands dismissed. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Uday Kumar, J.)