

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Partha Sarathi Sen

**WPA 3495 of 2020
With
CAN 1 of 2020**

**Pravash Gole & Ors.
Vs.
The State of West Bengal & Ors.**

For the petitioners : Mr. Tara Prosad Haldar
Mr. S. N. Sinha Roy
Mr. Sk. Sahajmal Hazra
Mr. Sk. Abu Jafor
Mrs. Rupannita Laha

For the State/respondents : Mr. Ranjan Saha
Mr. Arindam Mitra

Heard on : 06.02.2024

Judgement on : 06.02.2024

PARTHA SARATHI SEN, J.:

1. Heard learned advocate for the petitioners and learned advocate for the State at length.

2. By filing the instant writ petition, the present writ petitioners seek parity with the 1257 numbers of members of the West Bengal Organizer Primary Teachers Association, (in short, the

“Association”) who were the petitioners before this Court in a separate writ petition.

3. Being aggrieved by the order of the Hon’ble High Court at Calcutta, the said Association approached the Hon’ble Apex Court by filing Special Leave to Appeal (Civil) No(s). 15253 of 2006. The relevant portion of the order dated 09.05.2013 as passed in the said SLP by the Hon’ble Apex Court is quoted hereinbelow in verbatim for effective disposal of the instant writ petition. The relevant portion of the order dated 09.05.2013 as passed by the Hon’ble Apex Court is as under:

“.....8. In light of the above relaxation, in our considered view, the Board has to consider the eligibility of 1257 members of the Association who were writ petitioners before the High Court in the manner already indicated in the order dated 02.02.2011 passed by this Court.....”

4. Admittedly, the present petitioners are not those 1257 numbers of the members of Association but the petitioners have claimed that they are the other members of the said Association and, therefore , they stand on the same footing with those 1257 members of the Association in respect of whom the Hon’ble Apex Court has directed to consider the

eligibility criteria. On the basis of an order dated 03.01.2017, passed by a co-ordinate Bench in WP No. 30214 (W) of 2016, the respondent no. 2 of the instant writ petition was directed to consider the representation of the present writ petitioners.

- 5.** On perusal of the impugned memo dated 21.12.2017, it reveals that the respondent no. 2 has duly considered the representation of the present writ petitioners and came to a finding that the present writ petitioners cannot seek parity with those 1257 members of Association since the Hon'ble Apex Court has directed the Board to consider the eligibility of those 1257 members of the Association only. Before the respondent no. 2 authority as well as before this Court the present writ petitioners have failed to substantiate that they are within those to 1257 members of the Association.
- 6.** In course of his argument, learned advocate of the writ petitioners submits before this Court that since in the earlier writ petitions as well as in the said SLP, the writ petitioner was the Association of which the present writ petitioners are also the members and thus there cannot be any justification on the part of the respondent no. 2 to ignore the representation of the present writ petitioners since they are similarly circumstanced with those 1257 members of the Association.

7. *Per contra*, learned advocate for the State submits before this Court that under no stretch of imagination the benefits of the order dated 09.05.2013 as passed by the Hon'ble Apex Court in SLP (Civil) No(s). 15253 of 2006 can be extended to the present petitioners since such benefits have been restricted by the Hon'ble Apex Court to only 1257 members of the Association.
8. In considered view of this Court, when the Hon'ble Apex Court restricted the numbers of the beneficiaries of the members of the Association to 1257 numbers of whom the present petitioners are not included, there is little scope to consider as to whether the present petitioners are similarly circumstanced with those 1257 numbers of the members of the Association.
9. In view of the discussion hereinabove, this Court thus finds no illegality and/or irregularity in the impugned Memo No. IC/280/LP/2016 dated 21.12.2017.
10. With the aforementioned observations, the instant writ petition being **WPA 3495 of 2020** along with all interim applications is dismissed.

- 11.** Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(PARTHA SARATHI SEN, J.)

Sourav
A.R. (Court)