

18.07.2024
sayandeep
Sl. No. 05
Ct. No. 08

FMA 29 of 2023
With
CAN 2 of 2022

The Chairman, South 24 Parganas, District
Primary School Council & anr.

Vs.

Smt. Subhra Das & ors.

Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee

... for the appellants

Mr. Supriyo Chattopadhyay, Ld AGP
Ms. Sayantanee Bhattacharjee

.... for the State

Mr. Bikram Banerjee
Mr. Arka Nandi
Mr. Sagar Dey

..... for the Madurai respondents

At the time of considering an application for stay, it was brought to the notice of the earlier co-ordinate Bench that on the identical set of facts and the issues several mandamus appeals have been filed challenging the order of the Single Bench one of which relates to **The State of West Bengal vs. Md. Allauddin Molla & ors.** (MAT 1814 of 2017) and, therefore, in order to avoid any conflicting decisions, it was directed to tag the instant appeal along with the said appeal that is MAT 1814 of 2017.

Today when counsels for the respective parties appeared, it is informed that barring the instant appeal, the other four appeals including the appeal in relation to MAT 1814 of 2017 were taken up by this Bench on

18.01.2024 and were disposed of in the following manner:

“1. Learned counsel appearing for the appellants has submitted that the Government has created supernumerary posts in order to ensure that the services of the writ petitioners are not interrupted. In view of that we dispose of all the appeals with the observation that the petitioners are now being accommodated by creation of supernumerary posts for entitlement of notional benefit for the purpose of pension, provided they are otherwise eligible and they would not be entitled to arrears for the period they did not work.

2. We make it clear that since the State was directed to create supernumerary posts in view of the special facts and circumstance of these cases, this shall not be treated as precedent.

3. All the appeals stand disposed of accordingly without any order as to costs.

4. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.”

Since the identical matters have been disposed of in terms of the above order, the counsel for the appellant fairly submits that the instant appeal may also be disposed of on the same terms.

In view of the above, the instant appeal is disposed of on the basis of the order as quoted above passed in connection with the MAT 1814 of 2017.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)