

26.07.2024
Court No. 18
Item No. 28
(Suvendu)

WPA 18103 of 2024

Apurba Kumar Hore
-Versus-

The State of West Bengal & Ors.

Mr. Sk. Sahjahan Ali
.....for the petitioner

Mr. Swapan Banerjee
Mr. Sougata Mitra
....for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

In the writ petition petitioner has prayed for sanction of postgraduate scale of pay on quashing memoranda dated 31st March, 2011 and 1st June, 2011, both were issued by the District Inspector of Schools (SE), Burdwan in connection with petitioner's participation in MA Part –II examination.

On hearing the learned advocates representing the parties, it appears that though challenge has been thrown to the aforesaid two memoranda issued by the concerned District Inspector of Schools but previously by instituting a writ petition being WPA 6693 of

2017 petitioner questioned the said memo dated 1st June, 2011 and that writ petition was dismissed by a Coordinate Bench on 23rd March, 2017 since it was found by the Coordinate Bench that the writ petition was incomplete.

In view of the order dated 23rd March, 2017, question is posed to the learned advocate representing the petitioner as to how the present writ petition is maintainable in view of the dismissal of the previous writ petition on 23rd March, 2017.

On the ground of dismissal of first writ petition point of *res judicata* has been urged by the learned advocate representing the State respondents with regard to maintainability of the present writ petition

At this stage, the learned advocate representing the petitioner prays for leave to withdraw the writ petition.

Such prayer is not opposed by the learned advocate representing the State respondents.

Accordingly, the writ petition stands dismissed as withdrawn.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)