

25.06.2024.
Court No. 13
Item No. 32
sp

W.P.A. No. 22326 of 2023

Subhankar Roy
Versus
The State of West Bengal & Ors.

Md. Sarwar Jahan,
Mr. Sayantan Hazra,
Ms. Tapati Sarkar

...for the petitioner.

Mr. K.N. Nabi,
Ms. Oindrila Chatterjee

..for the State

1. The petitioner was a para-teacher and was disengaged in the year 2006 for being implicated in criminal proceedings, inter alia, under Sections 354 and 448 of the IPC. The petitioner was enlarged on bail thereafter. The petitioner remained silent with regard to his reengagement as para-teacher until December, 2022 and applied before the District Project Officer, Sarbashiksha Abhiyan, Nadia for reinstatement after his acquittal in the trial on 5th December, 2022.

2. Admittedly, the post of para-teacher is contractual. The petitioner ought to have approached the authorities if at all immediately after being enlarged on bail immediately after 2006.

3. This Court notes that on the petitioner's application is hopelessly belated application made in December, 2022, the S.I. of Schools, Ranaghat-III Circle,

Aranghata, Nadia has requested the DEO SSM, Nadia to consider the petitioner's case.

4. This Court notes with anguish that the S.I. of Schools had absolutely no business in forwarding an extinguished case to the DEO for any consideration whatsoever.

5. This Court is of the clear and unequivocal view that the cause of action of the petitioner, if any, stood extinguished sometime in the year 2006-07. The prayer for reinstatement made after 18 years, is hopelessly and miserably barred by delay and laches and cannot even be entertained. The cause of action of the petitioner stood extinguished in the year 2006-07 or immediately thereafter.

6. In view of the above, no relief can be granted to the petitioner. Hence, the writ petition fails and hereby dismissed.

7. There will be no order as to costs.

8. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)