

24.02.2026
Sl. No.1
Ct. No.14
ss

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

W.P.A. No. 19405 of 2012

CAN 1 of 2025

CAN 2 of 2025

**Vivekananda Das
Versus
The State of West Bengal & Ors.**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Debalina Chakraborty
Ms. Pritha Biswas

...for the Petitioner

Mr. Biswabrata Basu Mallick
Mr. Amman Arif Ansari

.... for the D.P.S.C., Hooghly

Mr. Suprabhat Bhattacharyya

... for the State

Re : CAN 1 of 2025, CAN 2 of 2025

1. The writ petition being WPA 19405 of 2012 was dismissed for default on 14th June, 2024.
2. By the present applications, the applicant seeks for restoration of the writ petition upon condonation of delay.
3. Mr. Sudip Ghosh Chowdhury, learned Advocate appearing on behalf of the applicant submits that the petitioner-applicant did not have the knowledge of such dismissal as the erstwhile advocate on record for the petitioner did not inform him. After a long lapse of time the petitioner was informed of the dismissal of the writ petition, for which reason there occasioned delay of 440 days in filing the restoration application.

He seeks for recalling of the order of dismissal upon condonation of delay.

4. On the contrary, Mr. Biswabrata Basu Mallick, learned Advocate appearing on behalf of the District Primary School Council, Hooghly submits that there are no plausible reasons specifically depicted/ demonstrated in the application for condonation of delay and the entire blame has been put on the erstwhile advocate on record of not informing the petitioner. The application lacks specific reason sufficient to condone such delay. Relying on the decision of the Hon'ble Supreme Court in ***State of Odisha & ors. -versus- Managing Committee of Namatara Girls' High School***, reported in **2026 INSC 148**, he submits that condonation of delay cannot be claimed as a matter of right. He seeks for dismissal of the applications.
5. Mr. Suprabhat Bhattacharyya, learned Advocate appearing on behalf of the State also submits in the similar fashion.
6. It is contended in the application for condonation of delay that due to personal difficulty, the learned advocate on record for the petitioner failed to appear on the date when the matter was called on. After two months the applicant-petitioner enquired about the status of the writ petition and got such information of dismissal. However, the application is silent as to the date of knowledge. More so, there are no specific reason sufficiently cited by the applicant seeking for

condonation of delay. This Court finds substance in the submission of Mr. Basu Mallick, learned Advocate for DPSC, Hooghly relying on the decision of Hon'ble Supreme Court in *Managing Committee of Namatara Girls' High School (supra)*.

7. Such being the position, the application for condonation of delay being **CAN 1 of 2025** stands dismissed.
8. Consequently, the application for restoration being **CAN 2 of 2025** also stands dismissed.
9. There shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Bivas Pattanayak, J.)