

11.07.2024
Court No.13
Item No.28
AP

WPA 23374 of 2023

**Nilkantha Ghosh
Vs.
The State of West Bengal and Ors.**

Mr. Sudipta Dasgupta
Ms. Saptaparni Raha

... For the Petitioner.

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta

... For the State.

Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Hoque

... For the Respondent No.4.

1. The petitioner succeeded in the recruitment process of the year 2009 after filing a writ petition being WP No.19999 (W) of 2009 that was disposed of on 23rd February, 2012. In the said order a Single Bench of this Court directed that the petitioner was entitled to be empanelled and given appointment. The Commissioner of School Education was directed to grant approval to the petitioner's employment and the Chairman, DPSC was directed to issue letter of appointment to the petitioner.

2. Accordingly, the letter of appointment was issued to the petitioner on 21st February, 2014. He joined the school on 1st March, 2014.

3. At no point of time in 2014 or in the order dated 23rd February, 2012 has any right been reserved to the petitioner to seek notional benefit of his appointment

from the year 2009. The claim of the writ petitioner now made in the year 2023, nine years after his joining, for notional benefit of service from the year 2009 is, therefore, barred by the principle of res judicata. There is also estoppel by the conduct on the part of the petitioner in accepting the appointment in the year 2014 without any protest or demur.

4. In view of the above, no relief can be granted to the petitioner.

5. Hence, the writ petition fails and hereby dismissed.

6. There shall be no order as to costs.

7. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)