

21.08.2024
Court No.09
Item 140
CP

RVW 244 of 2023
In
WPA 15080 of 2021

Abha Saha
Vs.
The State of West Bengal & ors.

Mr. Ahrarul Haque

... for the applicant.

The petitioner seeks review of an order dated September 9, 2022. The application for review was filed on October 4, 2023.

The petitioner urges this court to consider the heinous act and deed of Smt. Poly Banerjee, Mukhya Sahayika who had a personal grudge against the petitioner and had fraudulently got the option form signed by the petitioner without disclosing the consequential effect that the petitioner would be terminated at the age of 60 years.

These issues should be considered afresh and made a part of the order.

The above fact was not a part of the writ petition. The writ petition was filed challenging an order passed by the District Nodal Officer, SSK and MSK, Murshidabad, rejecting the eligibility of the petitioner to continue upto the age of 65 years. The authority relied on the option form which was signed by the petitioner. The petitioner alleged that she was

not aware of the meaning and consequential effect of such form and had signed the same.

This court found that the signature of the petitioner on the form tallied with the petitioner's signature in the attendance sheet at the hearing. However, Mr. Jahan, learned advocate appeared on behalf of the Mission Director, Paschim Banga Rajya Sishu Shiksha Mission and submitted that such option form was invited from Sahayikas for their option as to whether they wanted to continue to work upto the age of 65 years or retire at the age of 60 years with consequential benefits, but the policy could not be implemented. The issue was pending before the Finance Department, Government of West Bengal. Thus, this court held that the petitioner had an opportunity to withdraw the option of retiring at the age of 60 by filing a proper application before the Mission Director. Her prayer for withdrawal of her form and her willingness to retire at the age of 65 years should be allowed if such prayer was made. The court directed that for the interim period when the petitioner had not worked, remuneration would not be paid. However, the gap would not be treated as a break in service, but continuity in the service.

The review application does not disclose whether the petitioner have ever taken advantage of the order of this court and attempted to withdraw the

option by showing her willingness to continue upto the age of 65 years.

If the petitioner is aggrieved by any action of the authority after the order of this court was passed, the remedy of the petitioner would be to initiate other proceedings. There does not appear to be any ground for review. A new fact cannot be urged in review. If the petitioner is not being paid any remuneration then she has other remedies.

The application for review is thus rejected.

(Shampa Sarkar, J.)