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29.08.2024
kaushik

C.P.A.N. 631 of 2020
in
W.P.A. No.23170 of 2020
+
C.A.N. 2 of 2020

Sri Susanta Patra
Vs.
Sujit Kumar Maity

Mr. Md. Shahjahan Hossain,
Ms. Sanjida Sultana,
Mr. Prithwiraj Biswas
...for the petitioner

Mr. Chandi Charan De, learned AGP
Mr. Anirban Sarkar
...for the alleged contemnor

CAN 2 of 2020

This is an application for recalling and/or
modification of an order dated December 2, 2019.

By the said order, this Court had, *inter alia*,
directed as follows:

*“It is expected that the respondent no.3
will revisit the entire issue and approve
the panel for the post of Clerk within a
period of eight weeks from date.”*

It is contended on behalf of the applicant that
insofar as the order directs the respondent no. 3 to
approve the panel for the subject post within a
period of eight weeks, the respondent no. 3 under
the extant provisions is not the Appropriate
Authority and the matter has to be sent to the
School Authorities for sanction and approval.

In view of the above, the order dated December 2, 2019 requires to be modified.

The writ petitioner is represented and does not object to the submissions made on behalf of the applicant.

In view of the above, the order dated December 2, 2019 stands modified by deleting the direction on the respondent no. 3 to approve the panel for the post of clerk and stands replaced and substituted by directing the respondent no. 3 to reconsider the grievance of the petitioner pertaining to the subject post in accordance with law.

With the above directions, CAN 2 of 2020 stands allowed.

The application for alleged contempt being CPAN 631 of 2020 also stands disposed of as infructuous.

The Department is also directed to make necessary corrections to reflect the correct Writ Petition No. 23170 of 2006 in the orders dated August 2, 2024, August 19, 2024 and July 24, 2024 respectively.

(Ravi Krishan Kapur, J.)