

W.P.A. 2107 of 2025

**Siddique Rahaman Malitha
Vs.
The State of West Bengal & Ors.**

Mr. Rajnil Mukherjee
Ms. Debolina Sarkar
Mr. Imtiaz Kabir
Mr. Ramji Raja Mondal
Ms. Satabdi Dey

...for the Petitioner

Ms. Sayantanee Bhattacharjee

...for the State

Mr. Golam Mortaza
Mr. Tarasankar Samanta
Mr. Subir Sabud

...for Respondent No.5

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition, *inter alia*,
petitioner has prayed for direction upon the authority of
Fazilnagar High School, Nadia (hereinafter referred to as
the 'said school') to permit him to function as Teacher-in-
charge.

During course of hearing learned advocate
representing respondent no.5 submits that the present
writ petition is not maintainable due to pendency of
another writ petition being W.P. 6985 (W) of 2017
preferred by respondent no.5 herein, wherein the issue
relating to engagement of Teacher-in-charge of the said
school is under consideration. In support of such
contention order dated 18th April, 2017 passed by a
coordinate bench is placed before this Court and same is
taken on record.

On perusal of the order dated 18th April, 2017 it transpires that the present petitioner was functioning as Teacher-in-charge of the said school who tendered resignation as a result whereof respondent no.5 who is the petitioner in W.P. 6985 (W) of 2017 was appointed as Teacher-in-charge. Subsequently, petitioner in the present writ petition recanted and made a prayer for withdrawal of his resignation which was first considered by the District Inspector of Schools (S.E.), Nadia and issue was relegated to the managing committee of the said school for taking decision. Managing committee decided in favour of the petitioner in the present writ petition thereby accepting withdrawal of resignation and permitted the petitioner to function as Teacher-in-charge which triggered the writ petition being W.P. 6985 (W) of 2017. The coordinate Bench by passing an interim order dated 18th April, 2017 restrained the respondent authorities from giving effect to the order dated 19th July, 2016 passed by the District Inspector of Schools (S.E.), Nadia as a result whereof respondent no.5 herein is functioning as Teacher-in-charge of the said school at present. Said writ petition being W.P. 6985 (W) of 2017 is pending for final hearing on exchange of affidavits and pendency of that writ petition is not disclosed in the present writ petition.

In view of pendency of the writ petition being W.P. 6985 (W) of 2017 and subsistence of interim order

dated 18th April, 2017, present writ petition is not maintainable wherein prayer is made to permit the petitioner to function as Teacher-in-charge of the said school.

With the above observations, writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)