

05.12.2025

Ct No.551

Sl. No.415  
Mujahid

**WPA 2517 of 2025**

Zakir Ahmed @ Zakir Ahmed Molla  
Vs.  
The State of West Bengal & Ors.

Mr. Manojit Pal

...for the petitioner

Mr. Supratim Dhar, Sr. Adv.  
Ms. Tuli Sinha

...for the State

**1.** Supplementary affidavit filed by the learned advocate for the petitioner be taken on record.

**2.** The petitioner is aggrieved by an order dated May 13, 2015 whereby the petitioner has been barred from participating in the 'Cooked Mid-Day-Meal' programme at 'Banerjee Adab F.P. School' under Joynagar North CLRC. The petitioner had earlier approached this Court earlier by filing a writ petition being WPA 17803 of 2015 thereby challenging the self-same order dated May 13, 2015. The said writ petition was dismissed for default by an order dated August 22, 2023 upon failure of the petitioner to represent his case on two occasions.

**3.** Instead of getting the said writ petition restored, the petitioner has approached this Court by filing the present writ petition on January 30, 2025,

i.e., after a period of one year and five months from the date of dismissal of the earlier writ petition.

**4.** It is well settled that if a writ petition is dismissed for default then a fresh writ petition can be filed within a reasonable time from the date of dismissal of default. It is equally settled that if a fresh writ petition is filed after dismissal of the earlier writ petition for default belatedly then sufficient explanation for the delay occasioned in instituting the second writ petition must be provided by the writ petitioner.

**5.** In the instant case, as already recorded, the writ petitioner has approached this Court after one year and five months. The petitioner has sought to explain the delay in approaching this Court by way of a supplementary affidavit. Relevant portion thereof is extracted herein below:-

*“5. That the then Learned advocate-on-record Mr. M.R. Abedin, Advocate could not appeared when the writ application being WPA No. – 17803 of 2015 (Zakir Ahmed-vs-The State of West Bengal and Others) was taken up by the Hon’ble Justice Saugata Bhattacharyya nor the said Learned advocate informed the petitioner that the said writ application was dismissed for his nonappearance. That the petitioner states that he meet the Learned advocate-on-record Mr. M.R. Abedin, Advocate first week of December, 2024 for status of his writ application being WPA No. – 17803 of 2015(Zakir Ahmed-vs-The State of West Bengal and Others), the said Learned advocate several dated called to the petitioner, but ultimately not given any information to the petitioner and the said learned advocate demanded some money, but petitioner not*

*given any amount further. 7. That your petitioner states that the petitioner meet present Learned advocate-on-record first week of January, 2025 and the present learned advocate-on-record filed this writ application, without suppressing any facts and circumstances.”*

**6.** The reasons proffered by the petitioner to explain his belated approach to Court fail to appeal.

**7.** Firstly, the petitioner is a teacher and not a rustic villager. Evidently, he has been litigating at least since 2015 when he filed his previous writ petition. Orders passed by this Court have been available online from a point of time much anterior to the filing of the earlier writ petition by the writ petitioner. It is hard to believe that the petitioner did not have knowledge of the said order in the age of easy digital access.

**8.** However, even if this Court gives benefit of doubt to the petitioner and for a moment assumes that the petitioner could not access the orders on the official website of this Court, then also there is no explanation as why could the petitioner not contact his learned advocate telephonically.

**9.** On the petitioner’s own showing although the earlier writ petition was dismissed in August, 2023, yet the petitioner met his erstwhile learned advocate in the first week of December, 2024, i.e., after gap of about four months. Even after getting knowledge

about the order of dismissal, the petitioner met his present learned advocate after a further period of a month, i.e. in the first week of January, 2025. Yet again, there is no explanation, as to why was the petitioner required to meet his learned advocate after such long gaps.

**10.** The Hon'ble Supreme Court had some six decades back laid down the law in the case of ***State of Madhya Pradesh vs. Bhailal Bhai & Ors*** reported at ***AIR 1964 SC 1006*** to the effect that ordinarily the time within which a suit could have been instituted on a given cause of action should be taken to be the reasonable time for filing a writ petition on the said cause of action.

**11.** In the instant case, the subject matter of challenge is an order passed by the Block Development Officer, Joynagar-I Development Block, South 24 Parganas. In terms of Article 100 of the Limitation Act, 1963 the period of limitation for filing a suit against an order passed by a government officer acting in official capacity is one year from the date of the order. This writ petition has been filed beyond the period of one year even from the date of dismissal of the earlier writ petition for default, without showing sufficient cause.

**12.** For all the reasons aforesaid, this Court is not inclined to entertain the writ petition.

**13.** WPA 2517 of 2025 stands dismissed. There shall be no order as to costs.

**14.** Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

**(Om Narayan Rai, J.)**