

W.P.C.T. 165 of 2024

**The Commissioner Kendriya
Vidyalaya Sangathan & Ors.
Vs.
Mamata Jain**

Mr. Rabindranath Bag, Sr. Adv.,
Mr. Sk. Md. Wasim Akram
...for the Petitioners

Mr. Arkadipta Sengupta,
Mr. Tirthankar Dey
...for the Respondent

1. Heard the learned counsel for the petitioners as well as the learned counsel for the respondent.
2. The petitioners have assailed an order passed by the Central Administrative Tribunal, Kolkata Bench (hereinafter referred to as the 'C.A.T.') in O.A. No. 665 of 2024. It appears that the applicant before the C.A.T. was absent from duty. Thereafter, she was seeking a direction that the present writ petitioner considers her joining. In view of the limited reliefs sought in the O.A. without any opportunity of filing opposition or hearing the present petitioner, the C.A.T. has disposed of the O.A. in the following terms :

"8. Considering the limited relief claimed by the applicant, we are in opinion to dispose the O.A. at admission stage without calling for counter-reply directing the respondents to consider the case of the applicant for joining to duty at K.V. 1, Air Force School, Kalaikunda within 15 days from the receipt of the certified copy of this order.

*9. Accordingly, O.A. stands disposed of.
No costs.”*

3. In the circumstances, we find that the direction passed by the C.A.T. cannot in any way be considered to be an expression on the merits of the matter pending before the C.A.T. as to whether the petitioner would be allowed to join or not.
4. We, therefore, having regard to the nature of the order which merely requires a consideration of the respondent's joining, refuse to interfere with the order dated 15.05.2024 passed by the C.A.T. in O.A. No.665 of 2024.
5. The learned counsel for the respondent appears and submits that there is some communication from the Head Office of the respondent directing the Principal to accept the joining.
6. We are not inclined to go into this issue being subsequent events after disposal of the O.A. which all can be considered at an appropriate stage in an appropriate proceeding.
7. The Writ Petition being **W.P.C.T. No. 165 of 2024** is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)