

22 **12.02.
2025**

Ct. No. 08

ab

**MAT 1947 of 2024
IA No. CAN 1 of 2024**

**Ms. Arpita Nandy
Vs.
The State of West Bengal and others.**

**Mr. Subir Sanyal,
Mr. Ratul Biswas,
Mr. Somesh Kumar Ghosh,
Mr. Sourajit Mukherjee,
Mr. Trijit Mitra.**

... for the appellant.

**Mr. Pinaki Dhole,
Mr. Somnath Naskar.**

... for the State.

The writ petition at the behest of the writ petitioner/appellant challenging an order dated 24th October 2019 is dismissed by the Single Bench on the ground of delay and laches.

Though the Single Bench was informed that the said order was immediately assailed by filing another writ petition being WPA 475 of 2020, but because of the fatal defects it contained, leave was sought to withdraw the same and to file afresh with selfsame cause of action. Since the order granting leave to file afresh was not produced before the Single Bench, it proceeded as if it is a writ petition challenging the said order dated 24th October 2019 and in absence of any explanation, it was dismissed on the ground of delay.

At the outset we must record that the order dated 24th October 2019 was assailed by the appellant in WPA 475 of 2020. The said writ petition appeared before the Single Bench on 19th February 2020 granting liberty to the appellant to withdraw the said writ petition and file afresh on the selfsame cause of action.

In course of hearing of the instant appeal, we were informed that the District Inspector of Schools (SE)

Nadia has forwarded the application to the Commissioner of School Education for taking a conscious decision thereupon. Since the Counsel appearing for the State was unable to apprise the Court as to the fate of the said application pending before the Commissioner of School Education, the matter was adjourned to enable him to take appropriate instruction in this regard.

Today, Counsel for the State submits that the Commissioner of School Education has taken a conscious decision and forwarded the document to the West Bengal Regional School Service Commission, North 24-Parganas on 7th February 2025. Since the said Regional Commission is not a party to the proceeding, we requested Dr. Sutanu Kumar Patra, learned Advocate, who normally appears for such authority along with Ms. Supriya Dubey, learned Advocate, to appear in the instant matter.

In order to render the justice in its entirety and in view of the events subsequently happened in course of the instant proceeding, we feel that the presence of the West Bengal Regional School Service Commission is necessary and proper party and, therefore, implead the said Commission as party to the instant appeal. The copy of the Memorandum of Appeal as well as the application for stay is served upon Dr. Patra together with a copy of the communication dated 7th February 2025.

The concerned authority is directed to regularize the appointment of Dr. Patra.

In view of the fact, the finding of the Single Bench cannot be sustained. The same is hereby set aside.

The appeal and the connected application are disposed of directing the West Bengal Regional School Service Commission, North 24-Parganas, to act on the basis of the said communication dated 7th February 2025 issued by the District Inspector of Schools (SE)

Nadia and put the appellant into the list so maintained in this regard subject to the fulfillment of all statutory requirements within two weeks from the date of communication of this order.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Partha Sarathi Chatterjee, J.)