

25.09.2025
Sl. No.35(DL)
Ct. No.42
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 25620 of 2023

Baitali Mitra

Versus

The State of West Bengal & Ors.

Ms. Joyita Ray

...for the Petitioner.

Mr. Lalit Mohan Mahata, AGP

Mr. Rudranil De

...for the State.

1. By the present writ petition, the petitioner seeks direction upon the respondent No.4 to consider the representation of the petitioner dated 15th September, 2023 and take necessary steps to revoke and/or set aside the order of termination of the petitioner *vide* letter dated 26th September, 2008.
2. The petitioner contends that she applied for the post of *Anganwadi* worker in pursuance to notification dated 25th January, 2006 and notification dated 5th July, 2006. As per the said notification/memorandum a specific bar was imposed that candidates who are graduates will not be eligible for the post of *Anganwadi* workers and if a graduate candidate suppressed his/her academic qualification and if selected to the post of

Anganwadi worker, his/her service will be terminated forthwith without assigning any reason. As per advertisement dated 5th July, 2006, the required qualification was Madhyamik Examination or equivalent examination and so far the candidates belonging to Scheduled Castes or Scheduled Tribes it was relaxed to class-VIII. The petitioner was given appointment on 6th September, 2007, but subsequently she was terminated from service on 26th September, 2008. The petitioner made representation before the authority concerned for her reinstatement, but since no steps were taken the petitioner filed writ petition being WP No.14301 (W) of 2012. The said writ petition was dismissed by order dated 3rd July, 2013. The petitioner preferred an appeal before the Hon'ble Division Bench being MAT No.941 of 2014. The appeal was also dismissed but with a direction that the appellants if otherwise eligible will be at liberty to apply for the said post and the dismissal of the appeal shall not come in the way of applying for such post by the appellants herein as Government has removed the said restriction subsequently. The petitioner made a representation for reinstatement by revoking order of termination dated 26th September, 2008. Since, no steps have been taken, the petitioner has filed the present writ petition.

3. Ms. Joyita Ray, learned Advocate appearing for the petitioner submits that pursuant to the liberty granted in appeal the petitioner approached the authority concerned for her reinstatement upon revocation of the order of termination.
4. Mr. Rudranil De, learned Advocate representing the State submits that the order passed in appeal upholding the order of termination, debars the petitioner from challenging the order of termination by way of a subsequent writ petition. As such, the present writ petition is not at all maintainable.
5. The earlier writ petition being WP No.14301 (W) of 2012 was filed challenging the order of termination dated 31st January, 2008. The said writ petition was dismissed. The petitioner preferred an appeal being MAT 941 of 2014 before the Hon'ble Division Bench against the order passed by the learned Single Judge. The Hon'ble Division Bench upheld the order of dismissal in the writ petition. Admittedly, no appeal has been preferred before the Hon'ble Supreme Court against the order passed in appeal. Therefore, the order of the Hon'ble Division Bench has reached its finality. The petitioner by the present writ petition again challenges the order of termination and seeks for revocation of the same which is not sustainable in law and cannot be entertained.

6. Accordingly, the writ petition being **WPA 25620 of 2023** stands dismissed.
7. Interim order, if any, stands vacated.
8. All connected applications, if any, stand disposed of.
9. There shall be no order as to costs.
10. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
11. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)