

03.03.2025
Court No.23
ML/Item No.-13
[Milan, A.R. (Ct.)]

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 28377 of 2024

**Atanu Biswas
versus
The State of West Bengal & Ors.**

Mr. Bhaskar Chandra Manna
....for the Petitioner

Ms. Debarati Sen (Bose)
....for the State

Affidavit of service filed in Court today is taken on record.

The petitioner, on being engaged on casual basis, performed the works of a Group-D Post between 21.03.2012 and 2014. By a letter dated 21st May, 2014. The petitioner submitted a representation before the concerned Branch Manager of Bank of Baroda for giving permanent employment, but the petitioner's representation was not considered. The petitioner filed a writ petition being WPA 26700 (W) of 2014 for consideration of his representation with the prayer for giving him appointment on permanent basis. The said writ petition was dismissed for default on 4th February, 2015.

The petitioner has not sought for any restoration of the previous writ petition but has filed the present writ petition on 27th November, 2024, *inter alia*, seeking

an order for being absorbed as a Group – D post on permanent basis with further prayer of interim order with a mandatory direction for being absorbed as a Group – D employee on permanent basis.

The petitioner says that since his representation has not been considered, let there be a direction upon the concerned respondents to dispose of the same by a reasoned order.

After hearing the petitioner and the State respondents, I do not find any merit in the writ petition or in the prayers made by the petitioner for his representation to be considered for the following reasons:-

i) The cause of action, if any, for seeking permanent employment arose in 2014 on the petitioner making a representation in such purpose;

ii) The representation was not considered as a result whereof, the petitioner came before this Court in 2014 by filing the previous writ petition. The said writ petition was dismissed for default on 4th February, 2015. The petitioner has not taken any step in between prior to filing this writ petition.

The Hon'ble Supreme Court in the judgment reported in **2006 (3) SCC 674 [A.P. SRTC & Ors. Vs. G. Srinivas Reddy & Ors.]** said that a party should not be allowed to file successive writ petition for achieving the desired result in its favour as the same is an abuse of

process. In the judgment reported in **2010 (2) SCC 59 [Union of India & Ors. Vs. M.K. Sarkar]**, the Hon'ble Supreme Court has also cautioned that stale claims should not be allowed to revive by directing the representations in respect thereof being considered at a belated stage. The law is also well-settled that belated service related claims should not be entertained unless there is a continuing cause as held in **2008 (8) SCC 648 [Union of India & ors. Vs. Tarsem Singh]**. I do not find any continuing cause in this case as has been explained by the Hon'ble Supreme Court in the judgment reported in **AIR 1959 SC 798 [Balakrishna Savalram Pujari Waghmare & Ors. Vs. Shree Dhyaneshwar Maharaj Sansthan & Ors.]**.

In the instant case, the petitioner has approached this Court after nine years from the earlier writ petition having been dismissed for default.

In the aforesaid facts and circumstances, the writ petition is unmeritorious and is accordingly dismissed.

(Arindam Mukherjee, J.)