

FMA 477 of 2026
with
IA No. CAN 1 of 2026
[Arati Maity (Das) Vs. Dibakar Das & Ors.]

Md. Manuwar Ali
Ms. Nandita Kundu
... For the appellant

Ms. Rama Halder
..... For the respondent no. 1

Ms. Bratati Dutta
..... For the respondent no. 6

The present appeal has been preferred challenging an order dated 27th January, 2026 passed by the learned single Judge in a writ petition being WPA 20416 of 2024 preferred by the writ petitioner/respondent no. 1 herein, namely, Dibakar Das (in short, Dibakar) praying for issuance of necessary direction upon the respondent no.5 to incorporate the name of legal wife, namely, Mangala Das (in short, Mangala) upon setting aside the order passed by the respondent no.5 on 15th January, 2024 relegating the matter to the respondent no.6 herein to verify the facts and send the proposal for change of nominee.

The learned single Judge upon noting, *inter alia*, that marriage between Dibakar and the appellant herein stood dissolved by an order dated 9th January, 1987 and that Dibakar had subsequently re-married one Mangala on 3rd March, 2019, directed the school authorities to incorporate the

name of Mangala in the service records of Dibakar acting on the basis of the certified copy of the order of divorce dated 9th January, 1987 and the original certificate of marriage of Dibakar with Mangala and to forward Dibakar's updated service records to the respondent no.5 for taking consequential steps at the earliest.

Mr. Ali, learned advocate appearing for the appellant, namely, Arati Maity (Das) (in short, Arati) submits that Dibakar earlier preferred a writ petition being WPA 18608 of 2024 praying for identical reliefs but the same was dismissed as withdrawn by an order dated 31st July, 2024. Subsequent thereto, the writ petition being WPA 20416 of 2024 was preferred without including any new particular. In view thereof, the learned single Judge ought not to have entertained the said writ petition.

He further submits that the original divorce decree could not be produced by Dibakar and in the absence thereof, the learned single Judge ought not to have issued directions upon the school authorities for rectification of the service records removing the name of Arati.

Ms. Dutta, learned advocate appearing for the school authorities submits that no follow up steps could be taken since the school was closed due to the ongoing election process.

Ms. Rama Halder learned advocate enters appearance on behalf of Dibakar and denies the contention of Mr. Ali.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The argument of Mr. Ali that the writ petition being WPA 20416 of 2024 ought not to have been entertained since an earlier writ petition preferred by Dibakar was dismissed as withdrawn, is not acceptable since the order passed in the said writ petition reveals that liberty was granted to Dibakar to file afresh with better particulars on the selfsame cause of action.

Indisputably, a Matrimonial Suit No. 335 of 1986 was preferred by Dibakar and the same culminated in an order of the divorce dated 9th January, 1987. The said order reveals that the same was passed as mutually agreed by Dibakar and the appellant. It has not been disputed by Mr. Ali that Arati is receiving maintenance from Dibakar.

In the said conspectus, the learned single Judge rightly directed the school authorities not to insist upon Dibakar for production of the original decree of divorce. They were directed to act on the basis of the certified copy of the order dated 9th January, 1987 and the original marriage certificate of Dibakar with Mangala and to incorporate the name of Mangala as

the wife of Dibakar in the service records and to forward the updated service records to the respondent no. 5 for taking consequential steps at the earliest.

We do not find any error in such directions and accordingly, the appeal and the connected application are dismissed.

The period for compliance of the order impugned, which has expired in the meantime, is extended for 4 (four) weeks from date.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)