

17.06.2026.
Item No. 7.
Court No. 13
ap

**F.M.A. 600 of 2021
With
I.A. No. CAN 1 of 2024**

**Md. Hazekul Alam
Versus
State of West Bengal & Ors.**

Mr. Arif Ali,
Mr. Sarban Bhattacharya.

...For the appellant.

1. Affidavit-of-service filed in Court today be taken on record.
2. The instant intra court appeal is directed against the judgment and order dated 14th November, 2019 passed by a learned Single Judge of this Court in W.P. 24031 (W) of 2016.
3. The writ petition was preceded by another proceeding. In the said proceeding being W.P. 3031 (W) of 2012, the grievance of the petitioner was that against his roll number, the name of another candidate was mentioned and the roll number was declared successful in the process of recruitment to the post of Primary Teacher under the concerned District Primary School Council. Having lost in the writ petition, the appellant/writ petitioner preferred an appeal being M.A.T. 1002 of 2012 before a Co-ordinate Bench of this Court. In the said appeal, the Division Bench called for the answer scripts of the person, who wrote the examination against roll number of the petitioner.

4. Upon failure of the District Primary School Council to so produce the answer scripts, an adverse inference is drawn and the appeal was allowed. The order of the Single Bench was set aside. The appellant was allowed to join the post as Primary Teacher with effect from 10th February, 2014.

5. The appellant, at the time when the disposal of the appeal was undertaken, did not seek effect the date of appointment from the date of recruitment of other candidates.

6. The Single Bench in the impugned order was of the view that the claim of the petitioner is barred by *res judicata* since an issue that could have been raised in the earlier writ petition was not so raised.

7. This Court notes that the appellant participated in the recruitment process in the year 2010. He appointed by 2014 pursuant to the order of the Division Bench of this Court. He has completed more than 10 years of service as on date. He would get all his terminal benefits including pension and GPF.

8. Apart from the above, the appellant not having raised the issue of getting the benefit of service from 2010 till 2014 in the earlier proceeding, he is barred from raising the same in the instant proceedings.

9. In view of the above, F.M.A. 600 of 2021 fails and is hereby dismissed.

10. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2024 shall also stand dismissed.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)