

14.01.2026
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MAT 1988 of 2025
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IA No.: CAN 1 of 2025
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IA No.: CAN 2 of 2025
Siddique Rahaman Malitha
- Versus -
The State of West Bengal & Others

Mr. Saibal Acharya,
Ms. Ritika Mandal
... for the Appellants
Mr. Supriyo Chattopadhyay,
Mr. Manoj Kr. Mondal,
Ms. Sayantani Bhattachariya
... for the State/Respondents.
Mr. Arunava Banerjee,
Mr. Sk.Qareeb
... for the Respondent no.4.
Mr. Golam Mastafa,
Mr. T. S. Samanta,
Mr. Subir Sabud,
Mr. A. Rahaman
... for the Respondent no.5.

IA No.: CAN 1 of 2024 [Sec. 5]

Upon hearing the learned advocates appearing for the respective parties and upon perusal of the materials on record, we are satisfied with the explanation offered for the delay in preferring the present appeal.

Accordingly, the delay is condoned and the application, being IA No. CAN 1 of 2025, is disposed of.

MAT 1988 of 2025
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IA No.: CAN 2 of 2025

The present appeal has been preferred challenging an order dated 14th February, 2025 passed in a writ petition, being WPA

2107 of 2025. By the said order, the writ petition was dismissed primarily on the ground of suppression of material facts.

The dispute giving rise to the present appeal relates to the appointment of the Teacher-in-Charge of Fazilnagar High School, Nadia (hereinafter referred to as “the said school”). Initially, the appellant was appointed as Teacher-in-Charge of the said school and was granted an additional grade pay of Rs. 75/- per month for discharging the duties of Teacher-in-Charge with effect from 2nd January, 2016.

Subsequently, the appellant tendered his resignation. The Managing Committee of the said school accepted his resignation and, by adopting a resolution, appointed the private respondent no. 5, namely Bani Israil, as Teacher-in-Charge of the said school. Since then, the private respondent no. 5 has been functioning as the Teacher-in-Charge of the said school.

Thereafter, the appellant made an application to the District Inspector of Schools (S.E.), Nadia, being respondent no. 2, expressing his intention to withdraw his resignation letter. By a memo dated 19th July, 2016, the respondent no. 2 referred the issue back to the Managing Committee of the said school.

In the meantime, the private respondent no. 5 challenged the said memo dated 19th July, 2016 by filing a separate writ petition, being W.P. No. 6985 (W) of 2017, on the ground that there is no provision for revocation or withdrawal of a resignation letter.

By an order dated 18th April, 2017, the Writ Court set aside the operation of the order dated 19th July, 2016 issued by the

respondent no. 2. However, the writ petition was kept pending and the parties were directed to file their respective affidavits. The said writ petition is still pending for final adjudication.

As the aforesaid facts were not disclosed in the writ petition filed by the appellant, the learned Single Judge declined to entertain the writ petition. Challenging the said order dated 14th February, 2025, the present appeal has been preferred.

Having noted the facts and circumstances of the case, and since the issue relating to the appointment of the Teacher-in-Charge is pending adjudication in a writ petition, being W.P. No. 6985 (W) of 2017, preferred by the private respondent no. 5 to which the present appellant is a party, we are of the view that the learned Single Judge rightly refused to entertain the writ petition. Accordingly, we are not inclined to interfere in the present appeal.

Accordingly, the appeal and the connected application are dismissed.

However, it is clarified that this order shall not preclude the appellant/writ petitioner from ventilating his grievance in the pending writ petition, being W.P. No. 6985 (W) of 2017, preferred by the private respondent no. 5, namely, Bani Israil.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

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

