

12.02.2026
Item No. 10
Ct. No.14
AN

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 30469 of 2024

Satyajit Sarkar
v.
The State of West Bengal & Ors.

Mr. Himadri Sikhar Chakraborty
Ms. Priyanka Chanda
... For the petitioner

Mr. Sudipto Panda
Ms. Ananya Neogi
... For the State

Mr. Biswabrata Basu Mallick
Mr. Biman Halder
Mr. Aman Arif Ansari
... For the DPSC, Uttar Dinajpur

1. Report filed by respondent no. 7, the District Primary School Council, Uttar Dinajpur is taken on record. Copy served.
2. Exception to such report filed by the petitioner is also taken on record.
3. By the present writ petition, the petitioner seeks direction upon the respondent authorities to allow the petitioner to join as Assistant Teacher in Kumargari Free Primary School, Uttar Dinajpur.
4. The petitioner contends that he joined as an Assistant Teacher in Kumargari Free Primary School, Uttar Dinajpur on 2nd March, 2010. For pursuing his B. Tech. Examination, the petitioner was on study leave. The petitioner completed his

B. Tech. Examination and subsequent thereto made a representation on 31st July, 2011 requesting the concerned authorities to allow him to join as an Assistant Teacher. Since the petitioner was not allowed to join his duties, the petitioner filed a writ petition being W.P. 33338(W)/2013 in the year 2013 which was disposed of on 20th January, 2014 as follows:

“Considering the stand taken by the District Primary School Council, Uttar Dinajpur, there is no scope for this Court to issue any mandatory order, as prayed for. The petitioner is, however, at liberty to make a representation before the District Primary School Council, Uttar Dinajpur (if such representation has not been made in the meanwhile). In case such representation has been made or is made in terms of this order, the District Primary School Council, Uttar Dinajpur, shall consider the matter strictly in accordance with law.”

5. On 27th April, 2023, the petitioner made a representation for resuming his duties. However, no steps have yet been taken. Hence this writ petition.
6. Mr. Himadri Sikhar Chakraborty, learned advocate appearing for the petitioner submits that the petitioner for the reason of completing his B. Tech. Degree was absent. He was called on by respondent no. 7, the District Primary School Council, Uttar Dinajpur to appear before a disciplinary committee pursuant to frequent absence from the school. The disciplinary committee has not yet disposed of the matter. He seeks for appropriate directions upon respondent no. 7, the District Primary School Council, Uttar Dinajpur to dispose of the said matter.

7. Mr. Sudipto Panda, learned advocate representing the State indicates that liberty was granted to the petitioner in the earlier writ petition in the year 2014 for submission of representation, however, the same has been submitted after 10 years of passing of the order by this Hon'ble Court. Nothing has been explained with regard to such delay. He seeks for dismissal of the writ petition.
8. Mr. Biswabrata Basu Mallick, learned advocate appearing for the DPSC, Uttar Dinajpur submitted that the case of the petitioner has been considered and rejected by the concerned authority by passing a reasoned order on 22nd April, 2014. However, nothing has been stated with regard to such fact and as such, there suppression of material facts. He seeks for dismissal of the writ petition. He places reliance on the aforesaid order passed by Chairman, DPSC, Uttar Dinajpur.
9. At the outset, there is no such prayer in the present writ petition seeking for passing of any direction upon the disciplinary committee. In the writ petition, simpliciter prayer has been made seeking direction upon the respondent authorities for allowing him to join his duties.
10. As per the report of respondent no. 7, the District Primary School Council, Uttar Dinajpur, the case of the petitioner has been considered by the concerned authority pursuant to the earlier order passed in W.P. 33338(W)/2013 and it has rejected

the same since no rules exist to grant extraordinary leave. The aforesaid fact has not been disclosed in the writ petition. Furthermore, the petitioner has filed application before the authorities for resumption of his duties after almost 10 years of passing of the earlier order in the writ petition being W.P. 33338(W)/2013. There is no such explanation with regard to such delay in making the representation. In view of the above, the present writ petition falls short of merit.

11. Accordingly, the present writ petition being **WPA 30469 of 2024** stands dismissed.
12. There shall however be no order as to costs.
13. All connected applications, if any, stand disposed of.
14. Interim orders, if any, stand vacated.
15. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)