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23.02.2026
Ct No.11
rrc

MAT 2363 of 2024
with
IA No. CAN 1 of 2025
and
IA No. CAN 2 of 2026
[Puspita Sen (Mondal) Vs. State of West
Bengal & Ors.]

Mr. Gourav Das
Mr. Nilay Baran Mandal
... For the appellant

Ms. Munmun Ganguly
..... For the State respondents

Ms. Juin Dutta Chakraborty
Mr. Aman Gupta
**..... For the respondent no. 8/
writ petitioner**

Re: IA No. CAN 2 of 2026

Affidavit-of-service and the supplementary affidavit,
as filed by the appellant, be kept on record.

As we have invited the parties to advance their
arguments on merit of the matter, the delay in
preferring the present appeal is condoned and the
application being CAN 2 of 2026 is disposed of.

Re: MAT 2363 of 2024
with
IA No. CAN 1 of 2025

The following facts are not in dispute. A selection
process was initiated for filling up a Group-‘D’ post in
Kaijuri B.K.B.G.D. Balika Vidyalaya (H.S.) (hereinafter
referred to as the said school) and ultimately a panel
was prepared for the concerned post in which the

appellant, namely, Puspita Sen (Mondal) (in short, Puspita) secured the second position and the private respondent no. 8, namely, Suparna Sarkar (in short, Suparna) secured the third position. Challenging *inter alia* the said panel, Puspita preferred a writ petition being WP 8576 (W) of 2010 which was disposed of by an order dated 14th July, 2010 directing the respondent no. 3 herein to consider the issue of approval of the panel. Pursuant to the said order the said respondent no. 3 passed an order on 1st November, 2010. Challenging the said order dated 1st November, 2010, Puspita preferred another writ petition being WP 25234 (W) of 2010 which was dismissed by an order dated 14th January, 2016. In the midst thereof, Suparna also preferred a writ petition being WPA 4870 of 2011 challenging the order dated 1st November, 2010 passed by the respondent no. 3. The said writ petition was disposed of by an order dated 4th July, 2024 setting aside the order impugned. Puspita thereafter preferred a recalling application, but the same was dismissed by an order dated 12th November, 2024. Aggrieved thereby, the present appeal has been preferred.

Drawing our attention to an order dated 4th March, 2024 passed in Suparna's writ petition being WP 4870 (W) of 2011, Mr. Das, learned advocate

appearing for Puspita submits that there was a specific direction upon Suparna to serve a notice upon the respondents. However, such order was not complied with and the writ petition was heard in Puspita's absence and disposed of on 04th July, 2024. As no notice was served, Puspita did not get any opportunity to advance her arguments at the time when the writ petition was finally heard.

Referring to the order dated 4th July, 2024 and the order passed in the recalling application dated 12th November, 2024, Mr. Das strenuously argues that serious allegations were raised as regards the competence of Puspita to be appointed in the concerned post including an allegation that the certificate produced by her was forged and false. In such circumstances, Puspita ought to have been granted an opportunity of hearing to meet the allegations. Such arguments, as advanced, were glossed over by the learned single Judge and no finding was returned on the same.

Ms. Ganguly, learned advocate appearing for the State respondents submits that the respondent no. 3 has acted in terms of the orders passed by the Court and had verified the necessary documents, as directed. In view thereof, it cannot be alleged that the said respondent did not discharge his obligations. In

support of such argument reliance has been placed upon a compilation of documents. Copies of such compilation have been handed over to the learned advocates appearing for Puspita and Suparna.

Ms. Chakraborty, learned advocate appearing for Suparna submits that after dismissal of the recalling application on 12th November, 2024, Suparna had been issued a letter of appointment on 2nd December, 2024 and she joined the concerned post on 4th December, 2024. Let copies of the appointment letter and the joining report, as filed, be kept on record. Copies of the same have been handed over Mr. Das.

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

It appears that the order passed in the writ petition dated 4th July, 2024 has already been acted upon and a fresh cause of action has arisen since Suparna has already been appointed to the concerned post and she has also joined the said post. Such appointment has also been approved by the competent authority *vide* memo dated 16th January, 2025 with a remark that the appointment would be subject to the result of the recalling application.

In the said conspectus, the appeal and the connected application are disposed of with liberty to

Puspita to challenge the appointment of Suparna to the Group 'D' post in the said school before the appropriate forum, in accordance with law urging all the arguments as advanced before this Court.

There shall, however, be no order as to costs.

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.)