

(2013) 10 CAL CK 0026
In the Calcutta High Court
Case No : Writ Petition No. 11967 (W) of 2002

Ashok Kumar Kar

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 08-10-2013

Acts Referred:

Citation : (2013) 10 CAL CK 0026

Hon'ble Judges : Sambuddha Chakrabarti, J

Bench : Single Bench

Advocate : Debnarayan Banerjee, for the Appellant;

Final Decision : Disposed Off

Judgement

Sambuddha Chakrabarti, J.—The petitioner says that his father was the owner of a certain piece of land. At the request of the Secretary and members of the Managing Committee of the concerned school as well as the Pradhan and other members of the local Gram Panchayat to build the school on the said land he had agreed to donate the same but he in turn requested them to employ his son, i.e., the present petitioner as an Assistant Teacher of the said school. As nothing was done regarding the employment of the petitioner he filed a writ petition in the year 1981 which was allowed by this court by an order dated December 20, 1989 whereby a learned single judge of this court inter alia directed the respondents to absorb the petitioner in the existing permanent vacancy with effect from February 1, 1990 and to send the necessary papers to the district school authorities without any delay. The district school authorities were directed to confirm such absorption without keeping the matter pending unnecessarily.

2. As in spite of this order the petitioner's appointment remained elusive he filed an application for contempt before this court and by an order dated March 21, 1997 a learned single judge of this court disposed of the contempt application with the direction that as the alleged contemnors had forwarded the name of the writ petitioner to the President of the District Primary School Board, 24 Parganas

(North) on June 19, 1996 the District Primary School Board which was the proper authority then was directed to dispose of the case of granting approval to the writ petitioner's absorption as per the forwarded letter positively within four weeks from the date of the communication of the order. This order was also communicated to different authorities and he made several applications or representations to different authorities for compliance of the order passed by a learned single judge of this court on March 21, 1997. Although on each occasion the petitioner was assured that he would be absorbed in the school but in fact nothing tangible has been done. Therefore, the petitioner has filed this second writ petition.

3. It may be mentioned that in spite of being given liberty to file the affidavit-in-opposition as early as in September, 1990 the respondents have not filed any affidavit-in-opposition and even did not appear at the hearing of this application to oppose the same despite fresh service of notice.

4. It appears that the first writ petition filed by the petitioner was disposed of with a direction as mentioned before. Noncompliance of the same has led to an application for contempt. In the contempt again the learned single judge had directed the appropriate authorities to take steps in compliance of the order passed in the writ petition. These orders have neither been challenged nor complied with. Thus they have attained finality. The respondents cannot sit over the matter without complying with the same.

5. In such view of it I dispose of this writ petition by directing the respondent no. 2 to carry out the order of this court dated December 20, 1989 passed in the earlier writ petition as well as the order dated March 21, 1997 passed in the contempt application arising out of the said writ petition. Since the first writ petition was disposed of by an order in the year 1989 and since the petitioner has waited for an inordinately long time I direct the respondent no. 2 to take appropriate steps within a period of three weeks from the date of the communication of the order.

6. The writ petition is disposed of.

7. There shall, however, be no order as to costs. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on priority basis upon compliance of all requisite formalities.