

11.7. 2024
item No.8
n.b.
ct. no.24

CPAN 1038 of 2024

Sandhya Parial & Anr.
Vs.
Jayasri Ray Chaudhuri The Director of
Public Instructions Govt. of W. B
in
WPA 3716 of 2020
With
CAN 1 of 2024

Sandhya Parial & Anr.
Vs.
State of West Bengal & ors.

Ms. Pronoti Goswami,
..... for the petitioner.
Mr. Somnath Ganguli,
Mrs. Ujani Pal(Samanta)
..... for the State.
Mr. Subrata Mukhopadhyay,
..... for the respondent nos. 3 to 7.

In Re. CAN 1 of 2024

Affidavit of service filed on behalf of the petitioner is
taken on record.

This is an application for modification of order dated
January 3, 2024 passed by this Court in WPA 3716 of
2020.

Learned advocate appearing on behalf of the State
submits that this Court has directed the respondent no.2
of WPA 3716 of 2020 i.e. Director of Public Instruction to
comply the order regarding the issuance of pension benefit
in favaour of petitioner. It is the submission of the
learned advocate appearing on behalf of the State that, the

Director of Public Instruction is not the competent authority; rather the Director of Technical Education was appointed as a Special Officer to deal with this matter. He placed the G.O. dated 16.1.2019, wherein the Director of Technical Education was entrusted to deal the pension and other service related matters of the government employees or retired government employees of erstwhile B.E. College, Sibpur. He submits that the necessary direction may be made, so, that the Director of Technical Education, Government of West Bengal may be deal with this matter according to the observation of this Court.

Learned advocate appearing on behalf of the petitioner submits that the instant application being CAN 1 of 2024 is misconceived, after long seven months of the passing of this order, the instant application was preferred.

Learned advocate for the petitioner further pointed out that the learned counsel appearing on behalf of the State in the writ petition has submitted that the respondent no.2 i.e. Director of Public Instruction was the competent authority. Now, government has changed their stand, so the application cannot be allowed. The petitioner submits that after rejection of the CAN application, necessary rule may be issued against the concerned authority.

Learned counsel appearing on behalf of the University submits that the application is misconceived.

The proposed application is not in form. The Government of West Bengal should have preferred a review application but the application for modification of the order cannot be allowed at this juncture.

Heard the learned advocates and perused the impugned order passed by this Court. It appears to me that the order of this Court dated January 3, 2024 has noted the specific submission of the State that “the Director of Public Instruction was the competent authority to deal with this matter.” Now, the State has placed a Government Order dated 16.1.2019, wherein the Director of Technical Education, Government of West Bengal was appointed as the Special Officer to deal with this matter. Had the State submitted the true fact regarding the notification dated 16.1.2019, the order would be otherwise.

It is true, that the application for modification is not sufficient. The application of review is applicable in this case. But at this juncture, if the instant application is rejected on technical grounds, the petitioner will be suffered more. However, submission on behalf of the State on the earlier occasion created the difficulty for which the petitioner has suffered. As a mark of caution, submissions of such a nature on behalf of the State in future shall be dealt with exceptionally.

Considering the situation, the instant application being CAN 1 of 2024 is considered and allowed.

The Director the Technical Education, State of West Bengal being the Special Officer is directed to comply the order passed by this Court dated January 3, 2024 specifically within August 9, 2024.

The State is directed to submit a compliance report on the next date of hearing.

The CPAN 1039 of 2024 is kept pending.

Let the matter appear in the list on August 13, 2024 under the same heading.

CAN 1 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)