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ITEM NO.30

COURT NO.11

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20315/2010

(From the judgement and order dated 03/05/2010 in WPCT No.
274/2009 of The HIGH COURT OF CALCUTTA)

KALPANA RAJ(MUKHERJEE) Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With prayer for interim relief)

Date: 02/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Amlan Kumar Ghosh,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

The petitioner is aggrieved by dismissal of the writ
petition filed by her against order dated 14.09.2006 passed by the
Calcutta Bench of the Central Administrative Tribunal (for short
'the Tribunal').

In response to the advertisement issued in 1999, the
petitioner applied for selection for appointment on the post of
Trained Dai. She was interviewed on 14.05.1999 along with other
eligible candidates but the result of selection was not published.

Subsequently, the entire selection was cancelled. A fresh

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advertisement was issued on 17.03.2000. The petitioner again
applied. This time she was selected and appointed.

In the meanwhile, respondent No.5 filed O.A.No.42 of 2000
questioning the cancellation of selection made pursuant to
advertisement issued in 1999. By an order dated 17.02.2002, the
Tribunal directed that the appointment given on the basis of fresh
selection will abide by the result of the O.A. After hearing the

parties, the Tribunal disposed of O.A.No.42 of 2000 by directing the competent authority to interview the petitioner and respondent No.5 afresh. The petitioner attended the interview on 28.04.2009.

Simultaneously, she filed Writ Petition No.274 of 2009 questioning the order passed by the Tribunal in O.A.No.42 of 2000.

The High

Court dismissed the writ petition by observing that after having participated in the fresh interview without raising any objection, the petitioner was estopped from questioning the direction given by the Tribunal.

We have heard learned counsel for the petitioner and carefully perused the record.

In our view, the reasons assigned by the High Court for refusing to entertain the petitioner's challenge to the order of the Tribunal is in consonance with the law laid down by this Court in Dr.G.Sarana vs. University of Lucknow and others (1976) 3 SCC 585 and Madan Lal and others vs. State of J & K and others (1995) 3 SCC 486. We are further of the view that the writ petition filed by the petitioner against the order of the Tribunal was highly belated and in the absence of cogent explanation, the High Court

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would have done well to non-suit the petitioner on that ground as well.

With the above observations, the special leave petition is dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master