

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).853 OF 2025
(ARISING OUT OF S.L.P (CIVIL) NO(S).27722/2024)

RIMPA SAHA & ORS.

APPELLANT(S)

VERSUS

DISTRICT PRIMARY SCHOOL COUNCIL, MALDA & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO(S).984 OF 2025
(ARISING OUT OF S.L.P (CIVIL) NO(S).27652/2024)

O R D E R

1. Leave granted.
2. Heard the learned counsel appearing for the parties.
3. The impugned order has been passed on the review petitions seeking review of an order dated 26th April, 2024 passed by the High Court of Calcutta. We find that the order dated 26th April, 2024 was passed by the consent of the learned counsel representing the respondents who are the review petitioners. Paragraph 13 and 22 of the order dated 26th April, 2024 read thus:

"13. In the above circumstances, following the order dated 9th April, 2024 passed in WPA 3268 of 2015 (Sourav Naskar and Ors. Vs. State), for the reasons stated therein, in respect of the DPSC, Howrah, this Court by consent of all parties, is inclined to direct that all candidates who were called for interview in the aforesaid recruitment process of the year 2009 and have filed writ petitions until 25th April 2024, shall be entitled to appointments against existing or future vacancies.

22. With the aforesaid directions passed by consent of all parties, all the writ petitions along with connected applications shall stand disposed of."

(underlines supplied)

4. We have perused the review petition. The only ground on which the review petitions have been allowed is incorporated in paragraph 6 of the impugned order which reads thus:

“6. Be that as it may, since the orders have been passed on consent and such consent has never been given in writing or given and withdrawn, this Court is inclined to recall the order dated 26th April, 2024.”

5. We must record here what is recorded in the order dated 26th April, 2024 is the oral consent of the learned counsel appearing for the respondents herein. All the Constitutional Courts in our country accept the oral statements made on behalf of the parties by their respective learned counsel. The order impugned proceeds on a footing that there is no consent given in writing. As the oral consent of the learned counsel appearing for the respondents has been expressly recorded, the order dated 26th April, 2024 could not have been reviewed on the ground that there was no written consent.

6. Therefore, the impugned order is hereby set aside and the order dated 26th April, 2024 is hereby restored. We make it clear that the parties aggrieved by the said order can always challenge the said order in accordance with law.

7. We are informed across the Bar that a writ petition filed by the applicants in IA No.1970/2025¹ is pending. That is the contention raised by the learned senior counsel for the applicants in the said application. If the writ petition filed by the applicants in the application is still pending, they can prosecute the petition in accordance with law.

1 in CA @ SLP (C) No.27652/2024

8. The Appeals are, accordingly, allowed.

9. Pending applications, including the applications seeking impleadment, stand disposed of accordingly.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
JANUARY 20, 2025.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 27722/2024

[Arising out of impugned final judgment and order dated 25-09-2024 in RVW No. 276/2024 passed by the High Court at Calcutta]

RIMPA SAHA & ORS.

Petitioner(s)

VERSUS

DISTRICT PRIMARY SCHOOL COUNCIL, MALDA & ORS.

Respondent(s)

(IA NO.12051/2025 AND 13199/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)
WITH

SLP(C) No. 27652/2024 (XVI)

(IA NO.267746/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA NO.1970/2025 - INTERVENTION/IMPLEADMENT, IA NO.12074/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.13183/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.15782/2025 - INTERVENTION/IMPLEADMENT AND IA NO.15867/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-01-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s): Mr. Sanjay R Hegde, Sr. Adv.
Mr. R Anand Padmanabhan, Sr. Adv.
Mr. Dibyadyuti Banerjee, Adv.
Mrs. Sumedha Halder, Adv.
Mrs. Sumedha Halder, Adv.
Mr. Abhijit Sengupta, AOR
Mr. Ali Ahsan Alamgir, Adv.
Mr. Asif Iqbal, Adv.
Mrs. Rabiya Khatoon, Adv.
Mrs. Soma Mal, Adv.
Mr. Anand, Adv.
Ms. Rajeshri Nivuratirao Reddy, Adv.

For Respondent(s): Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Mr. Arvind Gupta, AOR
Mr. Abhishek Prasad, Adv.
Mr. Sourodeep Singha, Adv.

Mr. Rauf Rahim, Sr. Adv.

Mr. Firdous Samim, Adv.
Ms. Gopa Biswas, Adv.
Ms. Sampriti Saha, Adv.
Ms. Swati Dey, Adv.
Mr. Umesh Kumar Shukla, Adv.
Mr. Ali Asghar Rahim, Adv.
Mr. Subhro Prokas Mukherjee, AOR

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

Leave granted.

The Appeals are allowed in terms of the signed order.

Pending applications, including the applications seeking
impleadment, stand disposed of accordingly.

(ASHISH KONDLE)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]