

Party Name : DALIA DEBBARMA Vs JAYASREE PAUL & ORS

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA THE HONBLE MR. JUSTICE S.C.DAS

This writ appeal is directed against the judgment dated 20th July, 2015 passed by a learned Single Judge of this Court whereby, W.P. (C) No. 417 of 2011 filed by the respondent Nos. 1 and 2 herein was allowed and the promotion of the petitioner to the post of Senior Instructor, Stenography was set aside on the ground that the single post cannot be reserved.

We are not going into the merits of the case because in our view, the writ appeal has to be allowed only on the short ground that the appellant, who was respondent No.5 in the writ petition, was not heard nor given an opportunity of hearing by the learned Single Judge.

We have perused the record of the writ petition and we find that the writ petition came up for hearing on 28.09.2011. On that date respondent Nos. 1 to 4 in the writ petition were represented by the learned Addl. Government Advocate. It was ordered that respondent No.5 be served by ordinary post. Summons were issued but could not be served upon respondent No.5 as she was on leave. Thereafter, on 07.03.2012, the learned Single Judge while admitting the writ petition directed the petitioners (respondent Nos.1 and 2 herein) to take steps for service of notice upon respondent No.5 (appellant herein) within 3 days. No steps were taken for service of respondent No.5.

Unfortunately, it appears that this fact was not brought to the knowledge of the learned Single Judge and he decided the matter only after hearing the petitioner and the learned Addl. Government Advocate but no notice was served upon the appellant herein, who was the person directly affected by the writ petition. On this short ground, the writ appeal is allowed.

The judgment of the learned Single Judge is set aside and the matter is remanded to the same learned Single Judge to decide the matter afresh after hearing all the parties.

Since all the parties are represented before us, we direct the parties to appear before the Hon'ble Single Judge on 26th November, 2015.

The Registry is directed to list W.P. (C) 417 of 2011 on the said date in Single Bench No.4.

The writ appeal is disposed of.