

22.12.2020
SL No.33
Court No.12
(gc)

**MAT 661 of 2020
With
CAN 1 of 2020**

**Subhendu Kumar Mahata
Vs.
State of West Bengal & Ors.**

(Via Video Conference)

Mr. Anami Sikdar,
...for the Appellant.
Mr. Subhrangsu Panda,
...for the Respondent No.4.
Ms. Chaitali Bhattacharyya,
Ms. Koyeli Bhattacharyya,
Mr. Mrinal Kanti Ghosh,
...for the W.B.S.E.

By consent of the parties, the appeal and the application are treated as on the day's list and disposed of by this common order.

It appears from the impugned order that the learned Single Judge dismissed the writ application without hearing the writ petition. It is settled law that if the writ petitioner is not represented, the Court shall not make any endeavour to decide the issue on merits and the only course open to the Court in such a situation is to dismiss the writ petition for default. However, during the pandemic period, we have taken a conscious decision not to dismiss any writ petition for want of any representation and such Covid Protocol and norms were in existence at the time when the writ petition was dismissed on merit in absence of the writ petitioner.

On such consideration, the order dated 5th October, 2020 is recalled.

The writ petition is restored to its file.

Liberty is given to the writ petitioner to mention the matter before the appropriate Court on an urgent basis upon giving notice to the concerned respondents.

The affidavit-of-service is kept with the record.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)