

22.04.2021
Item No.8
AP/ss

WPST 44 of 2021

Sanjoy Biswas and Anr.
Vs.
The State of West Bengal and Ors.
(Through Video Conference)

Mr. Samim-Ul-Bari, Advocate

... for the petitioners present
on virtual mode.

Mr. Joytosh Majumdar, Government Pleader

Mr. Biswabrata Basu Mallick, Advocate

... for the State respondents
present on virtual mode.

Order dated March 12, 2013 passed in O.A. No. 1456 of 2012 by the West Bengal Administrative Tribunal (for short 'the Tribunal') has been challenged by filing the present writ petition about eight years thereafter.

Learned counsel for the petitioners submitted that the same issue pertaining to selection of constables in Kolkata Police is pending consideration before this Court in WPST 62 of 2013. Hence, even if there is some delay in filing the writ petition the same should be ignored and the matter should be taken up along with the aforesaid writ petition.

On the other hand, Mr. Joytosh Majumdar, learned Government Pleader submitted that the writ petition deserves to be dismissed on account of delay and laches only as the petitioners were satisfied with the order passed by the Tribunal dismissing the Original Application. They challenged the same eight years

thereafter. Mere pendency of other writ petition in this Court is not sufficient ground to entertain the present writ petition filed after eight years, challenging the order passed by the Tribunal.

After hearing the learned counsels for the parties, we do not find any reason to entertain the present writ petition. A perusal of the order passed by the Tribunal shows that the selection process pertaining to the post of constables in Kolkata Police was initiated in the year 2009. The Original Application was filed by the petitioners before the Tribunal in the year 2012. One of the argument raised by the counsel of the respondents, as noticed by the Tribunal, was that there was delay in filing the Original Application. However, finally without opining on that issue the Tribunal dismissed the Original Application finding that the issue had already been considered by this Court in COST 1 of 2012 and the order was upheld by the Hon'ble the Supreme Court of India.

Be that as it may, the fact remain that the Original Application filed by the petitioners was dismissed by the Tribunal on March 12, 2013 and the petitioner did not challenge the same any further. Despite the fact that even at that time some other candidates, who were in the process of selection, had filed the writ petition in this Court challenging the order passed by the Tribunal in their cases. The present writ petition has been filed eight years after passing of the impugned order by the Tribunal. As there is huge delay in filing the writ petition

challenging the order passed by the Tribunal, the same is dismissed on account of delay and laches only.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)