

MAT No.736 of 2021

with

CAN No.1 of 2021

Pradip Kumar Naiya

v.

The State of West Bengal & Ors.

18.08.21

SL-08

CT.30

(S.R.)

Mr. Indrajeet Dasgupta

Mr. Dibasish Basu

Ms. Puspita Bhowmick

... for the appellant.

Mr. Jaydip Kar, Sr. Adv.

Mr. Sukanta Chakraborty

... for the High Court Administration.

The present appeal has been preferred against an order dated 28th July, 2021 passed in a writ petition, being WPA No.11142 of 2020.

Mr. Dasgupta, learned advocate appearing for the writ petitioner/appellant submits that final common gradation list has been prepared without following the 50 Point Roster and such action is contrary to the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976. Such arbitrary and unreasonable steps taken by the respondents ought to have been interfered with by the learned Single Judge and the respondents ought to have been restrained from giving effect or further effect to the said impugned memo dated 10th March, 2021 issued by the Chief Judge, City Sessions Court, Calcutta.

According to Mr. Dasgupta as there is no possibility towards final disposal of the writ petition in the near

future, the denial of the interim order has caused severe prejudice to the petitioner.

The issue involved in the writ petition, in our opinion, cannot be decided without calling for affidavits and as such the learned Single Judge has rightly invited affidavits from the parties and has also granted adequate protection by observing that *‘the common gradation list published vide order no.114 dated 10th March, 2021, so far as the petitioner is concerned, shall abide by the result of this writ petition’*.

We do not find any infirmity in the order impugned in the present appeal and as such, no interference is called for.

The appeal, being MAT No.736 of 2021 and the connected application, being CAN No.1 of 2021 are, accordingly, dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Subhasis Dasgupta, J.) (Tapabrata Chakraborty, J.)

