

Item- 08-11-2021
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MAT 1087 of 2021
With
CAN 1 of 2021

Ct. 30

sg

West Bengal College Service Commission & Ors.
Versus
Dr. Tanmay Malakar @ Tanmay Malakar & Ors.

(Through Video Conference)

Mr. Kishor Datta, Sr. Adv.
Mr. Subhrangsu Panda, Adv.
...for the appellants

Mr. Biswarup Biswas, Adv.
Mr. Gora Chand Samanta, Adv.
...for the writ petitioner/respondent

Mr. A.K. Gupta, Adv.
...for the U.G.S.

Mr. Swapan Kr. Datta, Sr. Adv.
Mr. Dipankar Das Gupta, Adv.
...for the State

We have heard the learned Counsel for the parties.

The grievance of the appellants seems to be that the order was passed by the learned Single Judge ignoring the fact that the writ petitioner after having accepted the posting at Barasat College and agreeing to withdraw the writ application. Suddenly change his stand at the time of hearing. He insisted for a posting in a college in the North or South Kolkata and on such submission, the impugned order was passed disregarding the undertaking.

The learned Counsel for the writ petitioner submits that in deference to the wishes of the appellants, undertaking has been

furnished to the effect that the writ petitioner would accept his posting at Barasat College as originally recommended and would not insist for his posting at any other place. The learned Counsel for the writ petitioner has reiterated the stand of the writ petitioner as mentioned in the letter dated 5th October, 2021 produced before us and further submitted that the writ petitioner shall not oppose any prayer of the appellants in the writ petition provided he is given the appointment in terms of the original recommendation of the appellant to be posted in the Barasat College.

As a consequence of such submission and undertaking the appellants shall issue necessary recommendation within one week from date and the College Authority shall give appointment to the writ petitioner on the basis of such recommendation within one week thereafter.

The said direction is peremptory.

It would not be required for the appellants herein to file any compliance report before the second Appellate Authority. In view of the consensus arrived at between the parties in this proceeding with regard to the order passed by the second Appellate Authority under the Right to Information Act, the parties may take steps for withdrawal of WPA 13072 of 2021.

In view of the aforesaid direction, the impugned order is accordingly set aside.

By consent of the parties, WPA 3566 of 2021 is treated as on the day's list along with MAT 1087 of 2021 and CAN 1 of 2021 and disposed of in terms of this order.

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

(Rabindranath Samanta, J.)

(Soumen Sen, J.)