

ORDER SHEET

IA No.GA 1 of 2021
in
WPO 194 of 2016
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

GOPAL CHAKRABORTY
VS.
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 24th March, 2021

Mr. Debdutta Basu, Advocate for the petitioner.

Ms. Deblina Chattaraj, Advocate for respondent Corporation.

The Court : The petitioner has filed an application for recalling the order dated 15th December, 2020 passed in WPO 170 of 2020 whereby the previous writ petition filed by the petitioner being WP No.194 of 2016 was treated as on day's list and dismissed as being infructuous.

The earlier writ petition of 2016 was dismissed as infructuous specifically relying upon the order passed by the Hon'ble Division Bench on 2nd January, 2020 in APO 384 of 2018 in WP No.86 of 2018. The Appellate Court specifically held that the appellant did not have any locus standi to question the promotion process as the appellant was neither a candidate nor does the writ petition speak of the appellant's future prospect being prejudiced as a result of the impugned promotion process.

The petitioner herein also did not come within the zone of promotion and accordingly, in view of the observations made in the order dated 2nd January, 2020, the writ petition automatically became infructuous.

The advocate on record of the petitioner in WP No. 194 of 2016 and the advocate on record of the petitioner in WP No. 170 of 2020 are different. The present application for recalling has been filed by the learned advocate on record in WP No. 194 of 2016. It has been submitted that the cause of action for filing the earlier writ petition was different. The Court applied its mind when the matter was taken up for consideration on 15th December, 2020 in WPO 170 of 2020 and had come to an opinion that the earlier writ petition of 2016 became infructuous in view of the order passed by the Hon'ble Division Bench.

The Court confirms the order passed on 15th December, 2020 and the Court is of the opinion that the Writ Petition No.194 of 2016 has become infructuous.

The application for recalling fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)