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23.02.2022
Court No. 23
d.g.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 174 of 2022

Tuhirul Islam
Vs.
The State of West Bengal & Ors.

Mr. Chitrak Biswas,
Mr. Prasenjit Burman.
... for the petitioner

Ms. Chaitali Bhattacharya,
Mr. Subhendu Roychoudhury.
... for the State

Mr. Pradip Kumar Roy,
Mr. Joydeep Roy.
... for the P.S.C.

Affidavit-of-service filed in Court today is
taken on record.

The advocate for the petitioner submits that
after due consideration of the various provisions of
law and upon instruction he intends to withdraw the
matter with leave to file afresh on the self-same
cause before the appropriate forum.

Considering the embargo under the
Administrative Tribunals Act, 1985, this Court lacks
the jurisdiction to receive, try and determine the writ
petition. The writ petition stands dismissed as
withdrawn without any order as to cost with liberty
to the petitioner to file afresh on the self-same cause,
if any, before the appropriate forum. The petitioner
shall be also entitled to claim benefit on the
principles analogous to Section 14 of the Limitation
Act, 1963 for the period between 5th January, 2022

being the date on which the writ petition was filed till today (23rd February, 2022) for having proceeded before a Court without jurisdiction, if he approaches the appropriate forum on advice.

(Arindam Mukherjee, J.)