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S/L

31.08.
2022
Ct. No.17

WPA 2392 of 2022

Md. Asbahul Hoque Molla
Vs.
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
.....For the Petitioner
Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
.....For the Madrasah Service Commission

In this matter a reasoned order has been passed by the Secretary, Minority Affairs and Madrasah Education Department, Govt. of West Bengal on 22.08.2022 which has been filed by the learned advocate Mr. Mukherjee for the said respondent.

In the writ application the question is approval of the petitioner in service and his payment of salary. In the meantime the Supreme Court of India after the order passed in Sk. Mohd. Rafique, which was decided on 6th January, 2020 has decided to decide a question whether the order passed in said Sk. Mohd. Rafique's matter is a matter in rem or in personem. If the said order is in rem and if it is so decided by the Supreme Court, the petitioner will get the relief which he has claimed through this writ application being WPA 2392 of 2022. In the meantime after filing of

this writ application (filed on 09.02.2022) the petitioner has filed one contempt application before the Supreme Court on 10.06.2022 as has been intimated by the learned advocate for the petitioner.

Mr. Mukherjee, learned advocate has raised a question and in my view the question has merit that how a matter to be decided in the Supreme Court can be kept pending here in this court through the abovementioned writ application when the Supreme Court is in seisin of the matter.

I think that this writ application cannot be kept pending here in this court and the fate of the petitioner will be decided by the decision of the Supreme Court and not by this court.

Therefore, I dispose of this writ application.

The reasoned order passed by the Secretary of Minority Affairs and Madrasah Education Department, Govt. of West Bengal is kept on record.

(Abhijit Gangopadhyay, J.)

