

10.06.2022
sayandeep
Sl. No. 11
Ct. No. 05

WPCRC 72 of 2022
in
WPA 11498 of 2020
with
IA NO: CAN/2/2022

Dr. Nilabja Sikdar
-Versus-
Utpal Mahato & Anr.

Mr. Reetobroto K. Mitra
Mr. Priyankar Saha
Mr. Hemant Tiwari

..... for the applicant

Mr. Dhiraj Kumar Trivedi
Ms. Susmita Saha Dutta
Mr. Niladri Saha

..... for the alleged contemnors

In Re: WPCRC 72 of 2022

On the last occasion, i.e., 08.06.2022, learned counsel appearing for the alleged contemnors had been requested to comeback with his suggestion as to what would be the best course of action for balancing the interest of the petitioner.

Learned counsel appearing for the petitioner submits that the writ petition is required to be heard. Counsel submits that the grounds taken for challenge to the recruitment process would still be valid and would hence have to be considered by the Court.

It should also be noted that counsel for the alleged contemnors takes a fair stand in submitting that if the writ petition succeeded, the petitioner would be entitled to the benefit claimed and further that none of the candidates who appeared in the selection process

have been recruited. Counsel submits that the recruitment process was without any infirmity.

After hearing counsel appearing for the parties, this Court is of the view that if the writ petition is to be heard, the order passed by this Court on 18th January, 2022 should be recalled to the extent of disposing of the said writ petition based on the stand taken by the alleged contemnors. The order dated 18th January, 2022 in WPA 11498 of 2020 is accordingly recalled to the extent of the last two paragraphs. The recall hence would only be restricted to the writ petition being disposed of in view of the position of the alleged contemnors/ISI. The other parts of the order shall remain unchanged.

WPCRC 72 of 2022 is disposed of in terms of this order.

In Re: WPA 11498 of 2020

Since this Court does not have determination to hear the writ petition, the petitioner shall be at liberty to mention the matter before the appropriate Bench.

(Moushumi Bhattacharya, J.)