

Court No. 22
23.9.2022
(Item No. 5)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 4427 of 2022
With
CAN 1 of 2022

Collins Institute & anr.
VS
The State of West Bengal & Ors.

Mr. Sandip Kumar De
Mr. Abhijit Sarkar
..... for the petitioners
Mr. Swapan Banerjee
Mr. Sougata Mitra
..... for the State

The writ petition was disposed of by an order dated September 8, 2022, inter alia, directing the respondent No. 2 to consider the representation of the petitioner dated January 31, 2022, **Annexure P-4** to the writ petition along with the directions made therein.

This application has been filed with the prayer for modification of the said order directing the respondent No. 3 to consider the said representation instead of respondent No. 2.

Mr. Sougata Mitra, learned State counsel appearing for respondent Nos. 2 and 3 submits that, he has received instruction from his client that, unless the respondent No. 3 receives a report from the respondent No. 2 the respondent No. 3 cannot act on the issue to take a decision thereupon.

Mr. Sandip Kumar De, learned counsel for the petitioner submits that, it is the respondent No. 3 which is the actual authority to decide the issue in question.

Be that as it may, in view of the above submission and counter submission on behalf of the parties, let the respondent No. 2 take a call on the issue on or before September 27, 2022. If the respondent No. 2 is of the opinion that, the issue involved in the writ petition as mentioned in the said order dated September 8, 2022 can be decided by him, he shall take all necessary steps in terms of the earlier order dated September 8, 2022 and close the chapter.

In the event, the respondent No. 2 will be of the opinion that, the issue shall be decided by the respondent No. 3, then immediately on or before September 29, 2022 he shall refer the same before the respondent No. 3 to decide the issue strictly in terms of the said order dated September 8, 2022. This directions are peremptory in nature upon the respondent No. 2. No part of the said order dated September 8, 2022 stands modified. Only the said order dated September 8, 2022 shall be read in the light of today's order.

On the above terms, the application being **CAN 1 of 2022** stands disposed of, without any order as to costs.

This order is passed in presence of the learned counsel representing the respondent Nos. 2 and 3 however both the learned advocate on record for the writ petitioner and the respondent Nos. 2 and 3 will be at liberty to communicate the gist of this order to the respondent No. 2 forthwith without even waiting for the server copy of the order.

(Aniruddha Roy, J.)