

29 **12.04.**
2022
Ct. No. 04

Ab

M.A.T. 517 of 2022
With
IA No. CAN 1 of 2022

Tapan Kumar Bag
Vs.
The State of West Bengal & Ors.

Mr. Soumen Kumar Dutta,
Ms. Arpita Kundu.
... for the appellant.

Mr. Biswabrata Basu Mallick,
Ms. Rajlakshmi Ghatak.
... for the State.

Mr. Ritwik Pattanayak.
... for the respondent nos. 3 & 4.

There was an interim order passed on 12th July 2019 restraining the appointment to the Group-D post in pursuance of the advertisement dated 4th September 2018. The interim order was extended from time to time and last extension was granted on 27th November 2019 to continue till end of March 2020. In the meantime, the pandemic struck and there was a disruption in the social life because of the lockdown having declared in the country. After the partial resumption in a restrictive manner a *suo motu* Public Interest Litigation was registered for the purpose of protecting the interest of the litigants, who were initially benefited by an interim order, but such order could not be extended.

Ultimately, the Special Bench was constituted for such limited purpose disposing of the said proceeding by extending the interim order till 28th February 2022. The tenet of the order passed by the Special Bench would reveal that the interim order passed in a proceeding, which would expire during the lockdown shall be automatically extended and since it was operative till 28th February 2022, the appellant approached the Single Bench on 8th March 2022 seeking

extension of the said interim order.

We do not find any justification in not extending the interim order solely on the ground that the knowledge of the expiration of the interim order was imputed on 4th March 2022 and there is no explanation for moving the Court on 8th March 2022. The appellant was enjoying the interim order since 12th July 2019 and, therefore, the very purpose of such protection would get erased if the Court does not extend the same.

We do not find any laches and negligence on the part of the appellant in not promptly approaching the Court seeking extension. The substantial justice is paramount and should not be defeated on a pedantic and technical approach.

We, thus, set aside the impugned order.

The interim order passed earlier shall continue for a period of three months from date or until further order/orders of this Court, whichever is earlier.

With these observations, the appeal is disposed of.

In view of the disposal of the appeal itself, the connected application has become infructuous and the same is also disposed of.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

