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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16185 of 2022

Santi Ranjan Biswas
Vs.
The State of West Bengal & Ors.

Ms. Prisanka ganguly
... For the petitioner.

Ms. Chaitali Bhattacharya,
Mr. Kartik Chandra Kasap
... For the State.

Mr. Indranil Roy,
Mr. D. Choudhury,
Mr. S. Choudhury
... For the respondent nos. 2 and 3.

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

The petitioner's previous writ petition, being WP No.24546 (W) of 2018 was disposed of by an order dated 19th December, 2018. The operative portion of the said order is setout hereunder for convenience:-

"Having heard the learned counsel for the parties, I grant liberty to the petitioner to make a fresh comprehensive representation to the Managing Director of West Bengal Live Stock Development Corporation Ltd., within two weeks from date. If such representation is made, the Managing Director of the said Corporation, being the added respondent no.4 shall take a reasoned decision on the same in accordance with law within a period of twelve weeks from the date of receipt of

the representation after giving him an opportunity of hearing to the petitioner. The decision so taken shall be communicated to the petitioner within two weeks from the date of the decision”.

Pursuant to the said order the petitioner had admittedly made a representation before the Managing Director of West Bengal Live Stock Development Corporation Limited, being the respondent no.4 in the said writ petition. The direction given in the order dated 19th December, 2018, clearly shows that the Managing Director of West Bengal Live Stock Development Corporation Limited shall take a reasoned decision on the same, in accordance with law.

The petitioner has challenged the decision communicated to the petitioner by a letter dated 11th June, 2019, which appears at page 49 of the writ petition, inter alia, on several grounds. However, before entering into the merits of the grounds alleged by the petitioner to challenge the order, I find that the said order was not passed by the Managing Director of West Bengal Live Stock Development Corporation Limited as directed by this Court, vide order dated 19th December, 2018. That the said order was not passed by the respondent no.4, will appear from the following passage contained in the order.

“On 4th June, 2019 Smt. Sarmistha Biswas & Smt. Krishna Chakraborty, daughters of the

Petitioner Sri Santi Ranjan Biswas, appeared stating that their father, because of his ill health and inability to come, they will represent their father Sri Santi Ranjan Biswas before the representatives of the 4th respondent, the Managing Director of West Bengal Livestock Development Corporation Limited. The representatives of the MD were – 1 Sri U Roy Chowdhury (Company Secretary), 2 Sri Abhijit Mitra (Manager, F&A) & 3. Dr. Alokesh Sarkar (Manager, HR)”.

It is a settled principle of law that if the Court directs a person to do a particular thing in a particular manner, the same has to be done in the said way and manner and not in any other form. This Court directed the Managing Director of West Bengal Live Stock Development Corporation Limited to take a reasoned decision, but the said Managing Director appears to have delegated his power to his representatives. This is contrary to what had been directed by the order dated 19th December, 2018. On this ground alone, the order communicated to the petitioner by memo dated 11th June, 2019 and signed by Sri U. Roy Chowdhury (Company Secretary), Sri Abhijit Mitra (Manager F&A) and Dr. Alokesh Sarkar (Manager, HR) is set aside.

The Managing Director of West Bengal Live Stock Development Corporation Limited, being the respondent no.3, in the instant writ petition, is directed to consider the petitioner’s representation made pursuant to the

order dated 19th December, 2018 afresh, as per the direction given therein but the timeframe is shortened. The entire exercise should be completed within a period of eight weeks from date.

Since the respondent no.3 is represented no further notice is required to be given. However, by way of abundant caution, the petitioner shall serve a copy of the instant order along with the representation to the respondent no.3, within a period of seven days from date.

The parties, including the respondent no.3, shall act on the server copy of this order duly downloaded from the official website of this Court without insisting upon the production of certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegation made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)