

**MAT 1280 of 2022
With
CAN 1 of 2022**

**Sk. Jamal
Vs.
The State of West Bengal & Ors.**

Mr. Tarunjyoti Tewari
Mr. Aniruddha Tewari

... ... for the appellant

Mr. Amitesh Banerjee, Sr. Adv.
Mr. Suddhadev Adak

... ... for the State

This intra-court appeal is at the instance of the writ petitioner challenging the interlocutory order of the learned Single Judge dated 26th July, 2022 passed in WAP 13345 of 2022.

The writ petition was filed by the petitioner with the plea that the petitioner and other candidates were conducting peaceful demonstration against certain illegalities of the Government in the process of recruitment of assistant teachers but they were forcibly disallowed. In the writ petition the petitioner has prayed for a direction to the authorities to permit them to sit in demonstration at particular place.

Submission of learned counsel for the appellant is that the appellant was praying for an interim relief which has not been granted by the learned Single Judge.

Having heard the learned counsel for the parties and the perusal of the record, it is noticed that in the impugned order of the learned Single Judge has taken note the rival contention of the learned counsel for the

parties and has found that the disputed questions of facts are raised in the writ petition which are required to be decided on affidavits. Therefore, by the impugned order, learned Single Judge has directed to file affidavit-in-opposition within two weeks and reply thereto within one week.

It has been pointed out that now the affidavit-in-opposition has already been filed in the pending writ petition. Learned counsel for the appellant has also submitted that he will file affidavit-in-reply within one week.

In the circumstances of the case and on filing of affidavit-in-reply within one week the prayer for interim relief or for final disposal of the writ petition can be made before the learned Single Judge.

Hence, at this stage we are not inclined to interfere in the interlocutory order under challenge wherein none of the rights of the parties have been decided by the learned Single Judge.

Thus, the appeal is disposed of accordingly.

Connection application is also disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)