

14.
29-08-2022
debajyoti
(Ct. no.06)

MAT 1385 of 2022
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IA NO:CAN/1/2022

The Chairman, Joynagar Majilpur Municipality
Vs.
Anal Banerjee & Ors.

Mr. Md. Sarwar Jahan,
Mr. Habibur Rahaman,
Mr. Maidul Islam Kayal

... For the Appellant.

Mr. Atarup Banerjee,
Mr. Bapin Baidya

... For the Respondents/Writ
Petitioners.

Mr. Arjun Roy Mukherjee,
Mrs. Anima Das Chakraborty

... For the State.

By consent of the parties, the appeal and the application are taken up together for hearing.

This appeal is preferred by an added respondent in the writ petition against an interim order dated August 02, 2022. The writ petition is still pending before the learned Single Judge.

By the order under challenge in this appeal, the appellant herein was added as a respondent in the writ petition and by the same order, the appellant was directed to issue letter of appointment in favour of the writ petitioners in terms of the direction passed by the Director of Local Bodies on December 21, 2021.

Mr. Jahan, learned advocate, representing the appellant, says that the appellant did not have an opportunity of placing his case before the learned Single Judge, since the order impugned herein, was passed on

the very day when the appellant was added as party respondent and prior to service being effected on him. He further submits that the father of one of the writ petitioners, who has been directed to be appointed in the post in question, was a member of the Selection Committee. There are other irregularities and illegalities for which, the writ petitioners cannot be appointed in the posts in question.

We are not inclined to go into the merits of the case. Since the appellant says that he would like to place his case before the learned Single Judge, we grant liberty to the appellant to file his affidavit before the learned Single Judge within two weeks from date (September 12, 2022). Reply thereto, if any, be filed within a week thereafter (September 19, 2022).

The learned Judge is requested to decide the writ petition after exchange of affidavits. The order under appeal will abide by the final decision of the learned Judge in the writ petition.

The appeal and the application are, accordingly, disposed of.

Affidavits not having been called for, the allegations in the stay petition, shall be deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Rai Chattopadhyay, J.) (Arijit Banerjee, J.)