

Court No. 22
05.9.2022
(Item No. 39)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 23601 of 2019

Anirban Bhowmik
VS
State of West Bengal & Ors.

Mr. Sumanta Chakraborty
..... for the petitioner

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Suman Dey
..... For the State

Pursuant to a direction made by a co-ordinate Bench on March 2, 2020 the affidavit-in-opposition affirmed on August 16, 2021 is filed today in Court, the same is taken on record.

Affidavit-in-opposition filed by the State is taken on record.

The other respondents are not represented.

The writ petitioner is an Assistant Teacher in Work Education of a Higher Secondary School. The writ petitioner has qualified Bachelor of Science (B.Sc.) in Agriculture. The writ petitioner had commenced his employment on September 18, 1999. The increment in salary and other monetary benefits of the writ petitioner was hindered with by an impugned order passed by the respondent No. 3. The writ petitioner challenged the same by a previous writ petition being **W.P. No. 18828 (W) of 2018**. The previous writ petition was disposed of by an order dated July 11, 2019 when the relevant authority was

directed to take a decision on the claim of the petitioner.

Pursuant to the said direction of the co-ordinate Bench dated July 11, 2019 the respondent No. 2 passed an order dated September 12, 2019.

On a reading of the relief claimed in the writ petition, it appears to this Court that, the petitioner had prayed for setting aside/cancelling and withdrawing of the impugned memo dated August 3, 2018 and not the said order dated September 12, 2019 passed by the respondent No. 2 though an interim order has been prayed for not to give any effect to the said order dated September 12, 2019.

An interim order is always passed in the aid of the main relief claimed in the writ petition. Since the main relief in the writ petition was not related with the said order dated September 12, 2019 and in absence of any such specific prayer no adjudication can take place on the said order dated September 12, 2019.

In view of the above, this writ petition being **WPA 23601 of 2019** wrongly framed, stands dismissed as no relief can be granted in the said writ petition in relation to the said order dated September 12, 2019, **Annexure P-25 to the writ petition**. However, it is made clear that this Court has not gone into the merit of this writ petition.

The writ petitioner shall be at liberty to challenge the said order dated September 12, 2019

being **Annexure P-25 to the writ petition** in a properly framed and constituted proceeding strictly in accordance with law.

Observation, if any, made in this order shall not have any effect if the petitioner shall file a fresh writ petition challenging the said impugned order dated September 12, 2019.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)