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03.10.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No.1217 of 2022

Sri Pradipta Laha
Vs,
State of West Bengal & Ors.

Mr. Swapan Kumar Nandi,
Mr. Debojyoti Ghosh,
...for the petitioner

Mr. Raja Saha,
Mr. Sanjay Mukherjee,
Ms. Arpita Saha,
...for the respondent no. 10

1. The grievance of the petitioner is that the petitioner seeks to be classified under the non-creamy layer among the category of OBC (Other Backward Classes).
2. A OBC Certificate has already been issued in favour of the petitioner.
3. It transpires upon hearing learned counsel for the parties that the petitioner had approached the SPIO (State Public Information Officer) for information in that regard and upon non-furnishing of adequate information in the perception of the petitioner, an appeal was taken out. The West Bengal Information Commission, vide order dated December 15,

2020, had directed a report to be filed by the SPIO.

4. Learned counsel appearing for the petitioner, upon query of Court, submits that the petitioner is not aware whether the appeal before the West Bengal Information Commission has been disposed of.
5. However, learned counsel for the appellate authority, the West Bengal Information Commission, submits that in the meantime, the appeal of the petitioner itself has been disposed of by the appellate authority.
6. In view of such disposal of the appeal of the petitioner, the present writ petition has become infructuous, since the petitioner's prayer before this Court is that the appellate authority disposes of the matter in terms of the Memorandum annexed at page 60 of the writ petition dated April 30, 2010.
7. Hence, W.P.A. No.1217 of 2022 is disposed of as infructuous with liberty to the petitioner to challenge the order of the appellate authority, which furnishes a different cause of action than that agitated in the present writ, in a properly constituted challenge.
8. It is made clear that this Court has not gone into the merits of such challenge, if preferred,

and it will be open to the petitioner to take all points before the appropriate forum.

9. There will be no order as to costs.
10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

Sabyasachi Bhattacharyya, J.