

02
20.06.2023
KAUSHIK

WP.ST 24 of 2023

Basudeb Mukherjee
Vs.
The State of West Bengal & Anr.

Mr. Bikash Ranjan Neogi
Ms. Ananya Neogi
... for the petitioners

Mr. Tapan Kumar Mukherjee, Learned AGP
Ms. Tuli Sinha
... for the State

The writ petition is directed against an order dated September 2, 2022 passed in O.A. 1460 of 2013.

Elaborate arguments were advanced on behalf of the writ petitioner with regard to the validity of the disciplinary proceeding resulting in an order of dismissal.

Learned Additional Government Pleader appearing for the State submits that, the same impugned order of the learned Tribunal passed in O.A. 1460 of 2013 was assailed on behalf of the State by way of WP.ST 2 of 2023, which was disposed of by a judgment and order dated March 20, 2023. He submits that, the parties before the learned Tribunal are now bound by the judgment and order dated March 20, 2023 passed in WP.ST 2 of 2023. He contends that the writ

petitioner contested WP.ST 2 of 2023 and was aware of the judgment and order dated March 20, 2023. The writ petitioner suppressed the same.

Apparently, two writ petitions were filed directed against the impugned order dated September 2, 2022 passed in O.A. 1460 of 2013. The first in point of time was the writ petition being WP.ST 2 of 2023 on behalf of the State. The second in point of time is the present writ petition.

The present writ petition, was apparently filed on February 14, 2023.

During the pendency of the present writ petition, the first writ petition being WP.ST 2 of 2023 was dismissed by the judgment and order dated March 20, 2023 by the Co-ordinate Bench. The impugned order of the learned Tribunal dated September 2, 2022 passed in O.A. 1460 of 2013 was affirmed.

WP.ST 2 of 2023 was contested on behalf of the writ petitioner herein.

The writ petitioner herein did not raise the contentions as sought to be raised in the present writ petition in WP.ST 2 of 2023. Since, WP.ST 2 of 2023 and WP.ST 24 of 2023 were both directed against the impugned order dated

September 2, 2022 passed in O.A. 1460 of 2013 and were between the same parties and/or parties claiming title through the same persons, the writ petitioner herein, is visited by the principles of res judicata and/or constructive res judicata and the principles analogous thereto.

In such circumstances, we find no merit in the present writ petition.

WP.ST 24 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)