

Item- 157.	17-08-2023	MAT 360 of 2023 CAN 1 of 2023 CAN 2 of 2023
sg	Ct. 8	Amiya Kumar Nayak Versus Laxmi Tunga & Ors.

Mr. K.M. Hossain, Adv.
...for the appellant

Dr. Sutani Kumar Patra, Adv.
Ms. Supriyo Dubey, Adv.
...for WBCSSC

Ms. Koyeli Bhattacharyya, Adv.
...for the WBBSE

1. The application for leave to prefer an appeal, being CAN 1 of 2023 and the stay petition, being CAN 2 of 2023, are taken up together and disposed of by this common order.
2. The appellant is not one of the writ petitioners in the instant writ petition in which the order dated 9th February, 2023 was passed. It appears that in the writ petition, after hearing the learned Counsel for the parties, the following direction was passed:

“I direct the Commission to come up with one short affidavit disclosing the factual situation of receiving the Hard Disc from CBI, verifying the answer string there, result of such verification and also the result of comparison of the marks recorded in Commission’s data base”.
3. The present applicant submits that pursuant to the order dated 9th February, 2023, the recommendation of the applicant was cancelled although the applicant was not made a party to the said writ petition.

4. It appears that the matter is pending before the learned Single Judge.
5. We feel that the order passed by the Commission, if any, canceling the recommendation of the applicant, may give a cause of action to the applicant to challenge the said order in accordance with law. Moreover, nothing had prevented the applicant from approaching the learned Single Judge ventilating the grievance. We assume that the matter has progressed substantially. Under such circumstances, we are not inclined to admit the appeal.
6. With the above observation, the appeal and the applications are dismissed. However, there shall be no order as to costs.
7. The applicant may take steps in accordance with the law.

(Uday Kumar, J.)

(Soumen Sen, J.)