

90 **10.04.
2023**
Ct. No. 04

Ab

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

WP.ST 46 of 2023

Satyajit Chowdhury
Vs.

The State of West Bengal and others.

Mr. Gangadhar Das,
Mr. Tanmay Chattopadhyay.
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Mr. Rajat Dutta.
... for the State.

At the very outset we must record that the manner in which the Tribunal has passed an order dated 14th March 2023 is not in a proper spirit to the direction passed by this Court on 2nd January 2023 in WPST 139 of 2022.

We are quite conscious of the realities that a single Member is discharging the duties of the West Bengal Administrative Tribunal comprising of three Benches without any attempt having made by the State to fill up the said vacancy, yet we do not countenance to the decision of the single Member when there was a request made by this Court to consider the prayer for interim relief with alacrity and within reasonable time. The moment the said order is communicated it appears that the single Member fixed the date for hearing after a gap of two months. If such action is considered as showing an alacrity and within the compass of the reasonable time, it would frustrate the very purpose of seeking an interim order requiring an immediate protection.

We would have directed the said single Member to prepone the date and consider the prayer for interim

relief, but our attention is drawn by the writ petitioner as well as the learned Additional Government Pleader that there is no scope of passing an interim order as the recruitment, which was initiated, has reached the finality. However, it is contended by the writ petitioner that such recruitment is illegal on the face of it but we cannot accede to the same as the said issue is required to be decided finally at the time of disposal of the said tribunal application. It is open to the writ petitioner to mould the relief necessitated by a subsequent event before the Tribunal.

We expect that the Tribunal would dispose of the tribunal application as expeditiously as possible by recording proper reasons in accordance with law.

With these observations, the writ petition is disposed of.

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

(Harish Tandon, J.)

(Prasenjit Biswas, J.)