

22.08.2023
SL No.26
Court No.8
(gc)

**MAT 491 of 2021
CAN 1 of 2022**

**Md. Alauddin
Vs.
The State of West Bengal & Ors.**

Mr. Golam Mastafa, Adv.
Mr. Samirul Sardar, Adv.
..... for the petitioner.

1. We have heard the learned Counsel for the parties and read the order under appeal. In view of a clear finding by the earlier Division Bench that the appointment of the petitioner was “through the side door”, the said issue cannot be re-agitated and is barred by *res judicata*.
2. The appeal, accordingly, fails.
3. The appeal and the application, accordingly, are dismissed.
4. However, there shall be no order as to costs.
5. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)