

07 **10.05.**
2023
Ct. No. 04

Ab

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

WP.ST 72 of 2023

Sankar Gangopadhyay
Vs.
State of West Bengal and others.

Mr. Kushal Chatterjee,
Mr. Debrup Chaudhury.
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Ms. Shrabani Sarkar,
Ms. Debdooti Datta.
... for the State.

The present writ petition is aimed to achieve something indirectly, which cannot be achieved directly.

Being aggrieved by a gradation list and the position of the writ petitioner shown therein, an approach was made to the Tribunal by filing OA 174 of 2022. On the date when the said tribunal application was taken up, certain facts originated subsequent to filing of the tribunal application was sought to be introduced by the writ petitioner and, in fact, leave was sought to file a supplementary affidavit.

It appears from the impugned order that such leave has been granted and the matter is fixed on 5th July 2023. Obviously, the moment the writ petitioner sought for filing of the supplementary affidavit to include the subsequent events, we do not find any infirmity on the conduct of the Administrative Member of the Tribunal in granting such leave.

What is contended in the instant writ petition that there is an urgency that the matter should have been

taken up immediately, as the authorities are issuing the gradation list and the draft gradation list within a short span of time in order to frustrate the legitimate claim of the writ petitioner.

We do not find from the impugned order that any prayer for an ad interim order to be passed was made. However, even if it is presumed that same was made and the Tribunal did not record such finding, we grant liberty to the writ petitioner to approach the Tribunal and pray for an ad interim order if situation so warrant and in the event such approach is made, the Tribunal will record its independent finding thereupon.

With these observations, the writ petition is disposed of.

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

(Harish Tandon, J.)

(Prasenjit Biswas, J.)