

**ML-84 10.05.
2023**
Ct. No. 04

Ab

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

WP.ST 75 of 2023

Dr. Shubhrangshu Dutta
Vs.
The State of West Bengal and others.

Mr. Chapalesh Bandyopadhyay,
Mrs. Gargy Basu,
Ms. Atmaja Bandyopadhyay,
Ms. Anandamayee Dutta.
... for the petitioner.

The present writ petition has been taken out by the petitioner seeking primarily a direction upon the Tribunal to dispose of the tribunal application by giving preference to the instant litigation over the other matters, which are pending in the docket more than the present one.

The order dated 14th December 2022 would reveal that on consent of the appearing Counsels the application was taken up to be decided by a single Member of the Bench and, in fact, the date of hearing of the said tribunal application has been fixed on 17th May 2023.

Today, when the writ petition is taken up and having communicated to the appearing Counsels that the next date is fixed in a close proximity of time, it is submitted that the hearing would not commence on the said date and the identical order would be passed keeping a further date for hearing after a gap of several months.

We do not accept the aforesaid submission as the litigant or the Counsel cannot foresee the foreseeable future, which may or may not happen. We cannot overlook the reality that one Administrative Member is

discharging the duty and function of three Benches of the West Bengal Administrative Tribunal as the appointments have not been made by the Government as on date. The moment the Counsels have consented for fixing a date for hearing so that the matter can be taken up and disposed of within the reasonable time, We do not find any justification in perceiving a thing, which may or may not happen on the future date.

Be that as it may, since the date has been fixed for hearing of the said application, we hope and trust that the said application would be taken on the said date and the application may be disposed of within a reasonable time.

With these observations, the writ petition is disposed of.

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

(Harish Tandon, J.)

(Prasenjit Biswas, J.)