

DL-5

23.06.2023
Court No.5
(AD)

WP.ST 76 of 2023
Soumendu Bera & Ors.
Vs.
State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Arka Maiti

... for the petitioners.

Mr. Shamim Ul Bari

... for the State.

The writ petition is directed against an order dated January 19, 2023.

By the impugned order, the Single Member of the West Bengal Administrative Tribunal after considering the merits of the original application, recorded a finding that, it would be appropriate that the matter be heard by a Division Bench comprising of two Members (Judicial and Administrative). The Tribunal also recorded that, the matter involved various points of law. In addition thereto, the Tribunal recorded that, both the learned counsel were also of the same opinion.

Learned Advocate appearing for the petitioners submits that, his learned Junior who appeared in the proceedings before the Tribunal in the original application did not consent nor did he express such opinion at the hearing. The recording in such portion of the order dated January 19, 2023 was incorrect.

We are unable to accept such contention in view of

the conduct of the petitioners.

The petitioners did not apply before the Tribunal concerned claiming that there was an error on the face of the record so far as the recording of the consent of the counsel was concerned.

In such circumstances, we are not minded to interfere with the order passed by the Tribunal.

WP.ST 76 of 2023 is, therefore, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

