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FMA 498 of 2021
CAN 1 of 2018 (old CAN 6118 of 2018)

Chinmoy Dolai
Versus
State of West Bengal & Ors.

With

MAT 1598 of 2018
CAN 1 of 2018 (old CAN 10241 of 2018)

Mithu Rani Das
Versus
State of West Bengal & Ors.

With

MAT 1599 of 2018
CAN 1 of 2018 (old CAN 10242 of 2018)

Nayan Pramanik
Versus
State of West Bengal & Ors.

With

MAT 821 of 2020
The Principal Manbhum Mahavidyalaya
Versus
Sarada Mondal Das & Ors.

Mr. Piush Chaturvedi, Adv.
Mr. Amit Kr. Ghosh, Adv.
...for the appellant in FMA 498/2021
Ms. Debjani Sengupta, Adv.
Mr. Abhijit Chatterjee, Adv.
Ms. Koyel Bag, Adv.
...for the Vidyasagar University
Mr. Amitabha Chaudhuri, Adv.
Mr. N. Roy, Adv.
Mr. Chandan Chakraborty, Adv.
...for Coochbehar College in MAT
1599/2018
Mr. Biswabrata Basu Mallick, AGP
Mr. K. M. Hossain, Adv.
...for the State in FMA 498/2018
Mr. Tapan Kumar Mukherjee, AGP
Mr. Biswabrata Basu Mallick, AGP
Mr. Somnath Naskar, Adv.
Mr. Hossain, Adv.
...for the State

1. A coordinate Bench on 3rd October, 2023 has decided the jurisdiction to issue the notification against one Soma Jana @ Payra. In the present appeal, the question of jurisdiction has not been gone into as the appeal was preferred against an interim order by which the notification 2021 was stayed. However, by reason of the subsequent order, the notification has been held to be valid and the Court is required to consider in this appeal whether clauses 5 and 6 are discriminatory.
2. Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader and Mr. Piush Chaturvedi, learned Counsel for the appellant has submitted that in some of the appeals, orders have been passed permitting the College authorities to give appointment subject to the result of the appeal.
3. The appellants before us did not participate in the selection process on the ground that clauses 5 and 6 are contradictory. We have been informed that a Special Leave Petition is pending in which an order was passed on 8th December, 2023 by which notices have been issued. The said Special Leave Petition was arisen out of an order passed on 3rd October, 2023 in MAT No. 13 of 2019 (Soma Jana @ Payra vs. the State of West Bengal & Ors.). We have been informed that the matter is fixed on 29th January, 2024. We shall consider the prayer for modification of our order on the adjourned date.
4. Let this matter retain in its position in the monthly combined

list of February, 2024.

5. The order of the Hon'ble Supreme Court dated 8th December, 2023 is taken on record.
6. The parties are directed to be ready with the notes of argument on the issues involved in this appeal on the adjourned date.

(Uday Kumar, J.)

(Soumen Sen, J.)