

05.09.2023
SL No.54
Court No.8
(gc)

**MAT 1064 of 2022
CAN 1 of 2022
CAN 2 of 2022**

**Suchandra Mukherjee
Vs.
The State of West Bengal & Ors.**

1. The appellant is not represented even in the second call, nor any accommodation is prayed for on behalf of the appellant.
2. We have considered the application for condonation of delay, memorandum of appeal and the stay petition.
3. Sufficient cause being shown for not being able to prefer the appeal within the period of limitation. The delay of 43 days in preferring the appeal is condoned.
4. Accordingly, the application for condonation of delay being CAN 1 of 2022 is allowed and disposed of.
5. It appears that the writ petition was wrongly tagged with a group of matters appeared before Justice Md. Nizamuddin and disposed of on 17th January, 2022. The writ petition should have been heard by the learned Judge having the determination in respect of education matters. Instead of filing the appeal, the

appellant could have approached the learned Single Judge for rectification of the order dated 17th January, 2022 insofar as it includes writ petition filed by the present appellant being WPA 12593 of 2021. This writ petition admittedly could not have been heard along with WPA 11950 of 2021.

6. Under such circumstances, we dispose of the appeal and the application by observing that the writ petition being WPA 12593 of 2021 shall be detagged from WPA 11950 of 2021. This is a mistake on the part of the department in placing the writ petition before Justice Md. Nizamuddin.
7. The writ petition is required to be heard by the learned Single Judge having the determination.
8. Liberty to mention before the learned Single Judge for early hearing of the writ petition.
9. However, there shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)