

WPA 17589 OF 2023

31.07.2023

Sl no. 34

Ct no. 2

P.M.

Sajal Kumar Das

- vs -

The State of West Bengal & Ors.

Mr. Rishi Raju,

Mr. Suvranil Saha

... for the petitioner

Mr. Anirban Ray, Ld. Govt. Pleader

Md. T. M. Siddiqui,

Mr. T. Chakraborty,

Mr. S. Sanyal

.... For the State

Heard learned advocates appearing for the parties.

Limited ground of challenge in this writ petition is the violation of principle of natural justice by the respondent authority concerned in passing the impugned rectification order dated 6th February, 2023 being annexure P/1 to the writ petition by not giving opportunity of hearing to the petitioner before passing the aforesaid impugned rectification order.

Mr. Siddiqui, learned Additional Government Pleader submits that notice of hearing was sent at the writ petitioner's e-mail address which was available with the record of the department.

Learned advocate appearing for the petitioner submits that the address in which notice of hearing

has been sent is an old e-mail address and not in the new e-mail address which has already been intimated to the department.

Petitioner submits that due to non-receipt of notice of hearing he could not file any objection or attend the hearing at the time of passing the impugned order of rectification.

Considering the facts and circumstances of this case and submission of the parties and in the interest of justice the aforesaid impugned rectification order dated 6th February, 2023 is set aside and the matter is remanded back to the respondent authority concerned to pass a fresh order after giving an opportunity of hearing to the petitioner to file any objection and for personal hearing, within a period of four weeks from the date of communication of this order.

At the time of hearing petitioner will be free to take all the points before the authority concerned which has been raised in this writ petition.

With this observation and direction this writ petition being WPA 17589 of 2023 stands disposed of.

(Md. Nizamuddin, J.)