

06.10.2023
Item No.36
RP/PG
Ct. No.1

MAT 1531 of 2023
With
IA No.CAN 1 of 2023

The Registrar General, High Court, Calcutta & Ors.
Vs.
Anil Das & Ors.

Mr. Jaydip Kar, Sr. Adv.
Mr. Siddhartha Banerjee
Mr. Mainak Chandra
... for Appellants

Mr. Partha Sarathi Bhattacharya, Sr. Adv.
Ms. Saloni Bhattacharyya
Mr. Raju Bhattacharyya
Mr. Arunava Maiti
... for writ petitioners/respondents

1. This intra-Court appeal filed by the High Court Administration is directed against the order dated 7th July, 2023 passed in CAN 3 of 2022 filed in WPA 438 of 2020.
2. The appellants are aggrieved by the order and direction issued by the learned single Bench while disposing of CAN 3 of 2022 in WPA 438 of 2020, by which the representation dated 16th August, 2022 submitted by the petitioners was directed to be disposed of by the Registrar General within a time frame. In our view, such a direction could not have been passed in an interlocutory application as the writ petition itself has been disposed of with consent of parties by

observing that as and when the vacancies to the post of 'Record Arrangers' are decided to be filled up, the petitioners will be entitled to apply and if found eligible, will be considered for promotion in accordance with law. Thus, no order could have been passed in an interlocutory application after the writ petition itself has been disposed of.

3. Furthermore, in the instant case, we find that the direction issued in CAN 3 of 2022, in fact, exceeds the direction issued in the writ petition, namely, WPA 438 of 2020. Therefore, the appeal filed by the High Court Administration is allowed and the direction issued in the order dated 7th July, 2023 in CAN 3 of 222 is set aside. The direction issued in the writ petition is affirmed, which is to the effect that as and when the vacancies to the post of 'Record Arrangers' are decided to be filled up by the High Court Administration, the petitioners will be entitled to apply and if found eligible, will be considered for promotion in accordance with law.
4. The appeal and the connected applications are allowed with the above observations.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

