

28.08.2023
Item No.3
Ct. No.5
CHC

WP.ST 119 of 2023

Sri Jayanta Kumar Das
Vs.
The State of West Bengal & ors.

Mr. Purnasish Gupta,
Mr. Jayanta Kumar Mukhopadhyay,
Ms. Mary Datta
...for the writ petitioner

Md. T. M. Siddiqui, Ld. A.G.P.
Mr. Amrit Lal Chatterjee
...for the State

The writ petition is directed against an order dated March 1, 2023 passed by the West Bengal Administrative Tribunal in O.A.1349 of 2011.

By the impugned order, the Tribunal directed Principal Secretary, Department of Technical Education and Training, Polytechnic Branch, Government of West Bengal to consider the representation of the writ petitioner after giving him an opportunity of hearing to enable the writ petitioner to produce supporting documents.

Learned advocate appearing for the writ petitioner submits that, the impugned order dated March 1, 2023 is contrary to the order dated December 10, 2023 passed in W.P.S.T.430 of 2012. The writ petitioner in W.P.S.T.430 of 2012 was similarly situated and circumstanced as that of the present writ petitioner, in W.P.S.T.430 of 2012. The

High Court in similar circumstances, set aside the order of the Tribunal and directed the Tribunal to decide the original proceeding on merit. He submits that, the Tribunal erred in not adhering to the order dated December 10, 2023 passed by the High Court. The Tribunal erred in directing consideration for representation by the authorities without deciding the issues.

Learned advocate appearing for the State draws the attention of the Court to the impugned order. He submits that, subsequent to the impugned order, the writ petitioner made a representation dated March 1, 2023 which was considered and decided by the authorities by their order dated May 24, 2023. He submits that, the prayer for regularisation made by the petitioner was rejected. There is no challenge to the order of rejection dated May 24, 2023.

We find substance in the contention of the State.

The impugned order dated March 1, 2023 of the Tribunal, directed the Principal Secretary, Department of Technical Education and Training, Polytechnic Branch, Government of West Bengal to consider and decide the representation of the writ petitioner.

The writ petitioner acted upon the order dated March 1, 2023 and made a representation

dated March 1, 2023 to the Principal Secretary, Department of Technical Education and Training. Such representation was considered and decided by the Principal Secretary, Department of Technical Education and Training and Skill Development by order dated May 24, 2023. The Principal Secretary of such department also heard the writ petitioner prior to the passing of this order. The writ petitioner appeared before the Principal Secretary in terms of the order of the Tribunal.

The writ petitioner therefore, accepted the order dated March 1, 2023 and acted thereon. He made a representation which was considered and negated by the Principal Secretary.

In such circumstances, since the writ petitioner accepted the order dated March 1, 2023 of the Tribunal and acted thereupon, we find no reason to interfere with the impugned order of the Tribunal.

WP.ST 119 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)