

Dd 03 25.08.2023

WP.ST 120 of 2023

**Satyajit Chowdhury
Vs.
The State of West Bengal & Ors.**

*Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay, Advocates
... ... For the Petitioner*

*Mr. Biswabrata Basu Mallick, AGP
... ... For the State*

The writ petition is directed against an order dated July 10, 2023 passed in MA 39 of 2023 arising out of OA 683 of 2022 by the West Bengal Administrative Tribunal.

Learned advocate appearing for the writ petitioner submits that the writ petitioner filed an application for amendment in the original application being OA 683 of 2022 by way of MA 39 of 2023. He points out the pleadings in the application for amendment. He submits that in paragraph 7 of the application for amendment, the writ petitioner sought amendment to the original application not only with regard to addition of party but also relevant pleadings in the body of the original application and prayers both final and interim. He refers to the impugned order dated July 10, 2023. He submits that, only the addition of party was allowed. Final relief prayer was also allowed. However, the amendment sought for in the body of the petition with regard to the pleadings in the original application and also the interim was also not allowed. He points out that, the writ petitioner will be prejudiced in the event

such amendments were not allowed. Therefore, it is imperative that, all amendments sought for should be allowed.

State is represented.

As noted above, the writ petitioner after filing the original application, filed an application being MA 39 of 2023 where, the writ petitioner sought amendments to be incorporated to the original application.

The amendments sought for can be divided into four parts. The first part is an addition of party respondent in the proceeding, the second part is with regard to introducing additional pleadings in the body of the application. The third part being the final relief sought for in the original application and the fourth part being the interim relief as prayed for.

The Tribunal considered MA 39 of 2023 and disposed of the same by the impugned order dated July 10, 2023 by allowing two parts of the prayers for amendments, namely, addition of party and the final relief. However, the amendments to the body of the original application and in the interim relief were not allowed.

The amendments sought for, by virtue of the impugned order itself, demonstrate that, the same were not changing the nature and character of the original application. The amendments were sought for to introduce events into the original application for consideration in a selection process for promotion to a particular post. One of the persons who was likely to be affected was sought to be added as party respondent which was allowed by the impugned order. Final relief was sought by the writ petitioner through the amendments was also allowed.

In such circumstances, it would be appropriate to allow the amendments of the original application in the manner as sought for by the writ petitioner and as pleaded in the paragraph 7 and the sub-paragraphs thereof in MA 39 of 2023.

Impugned order dated July 10, 2023 is modified to such extent.

The learned advocate-on-record for the original applicant is granted liberty to incorporate the amendments in the original application. It would be open for the Tribunal to allow the original applicant to re-verify the original application subsequent to the amendments as allowed being incorporated in the original application.

WP.ST 120 of 2023 is **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)