

04.01.2023
Item no.4.
Court No.6.
AB

**M.A.T. 1603 of 2022
With
IA CAN 1 of 2022**

**Sri Bikas Biswas
Vs
The State of West Bengal & Others**

Mr. Subhajit Panjafor the Appellant.

Mr. Soumyadeep Biswas....for the Respondent
Nos.5 to 7.

Mr. Srijan Nayek,
Ms. Rituparna Maitra,
Mr. Biplab Dasfor the Respondent
Nos.2, 3 & 4.

By consent of the parties, the appeal and the application are taken up for hearing together.

The appellant challenged an order of the Disciplinary Authority whereby he was demoted, before the learned Single Judge.

The learned Judge dismissed the writ application holding that the Writ Court cannot act as an Appellate Court. Hence, this appeal.

During the pendency of the appeal, it transpired that the appellant had preferred a departmental appeal before the Appellate Authority, which is the General Body of the Cooperative Society and such appeal was dismissed on September 11, 2022.

It further appears that the order of the Appellate Authority was not made available to the appellant

herein. Learned Counsel for the appellant says that the appellant was not even aware that his appeal had been dismissed.

Learned Advocate for the Cooperative Bank has handed over a copy of the Resolution of the General Body of the Society whereby the writ petitioner's departmental appeal was dismissed, to learned Advocate for the appellant.

In view of the fact that the departmental appeal has been dismissed, this appeal has become infructuous. If at all, the appellant will now have to challenge the order dismissing his departmental appeal. He will be at liberty to do so, if so advised, before the appropriate forum in accordance with law.

Since we have not called for affidavits, the allegations in the stay application are deemed not to be admitted by the respondents.

M.A.T. No.1603 of 2022 is, accordingly, disposed of along with IA CAN 1 of 2022.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

