

MAT 1786 of 2023
with
IA No. CAN 1 of 2023
(Tanyeer Sabiba Boksh Vs. The State of
West Bengal & Ors.)

Mr. Anjan Bhattacharya
Ms. Anita Shaw
Ms. Susmita Das

..... For the appellant

Md. Idrish

..... For the State

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Sampriti Saha
Mr. Abhijit Kar

..... For the respondent no. 8

The present appeal has been preferred against an order dated 17th August, 2023 passed in a writ petition being WPA 18207 of 2023.

Mr. Bhattacharya, learned advocate appearing for the appellant submits that the learned Court without going into the merits of the matter observed that the writ petition is not maintainable since the dispute is private in nature. If the said observation remains, then the appellant would be debarred from filing any application before the State Administrative Tribunal challenging the recruitment procedure of a State Government employee.

Mr. Samim, learned advocate appearing for the private respondent no. 8 submits that the writ petition was filed in view of a dispute between the appellant and the respondent no. 8, who happen to be a married

couple. As such, the learned Single Judge rightly observed that the dispute is private in nature and there is no infirmity in the order impugned in the present appeal.

Mr. Idrish, learned advocate enters appearance on behalf of the State respondents.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

From the order impugned it appears that the learned Court did not go into the merits of the writ petition. However, the writ petition was held to be not maintainable since the dispute, according to the Court, was private in nature. It was also observed that since the appellant was challenging the recruitment procedure of a State Government employee, he ought to have approached the learned Tribunal.

In our opinion, having held the writ petition to be not maintainable before the High Court as the challenge was pertaining to a recruitment procedure of a State Government employee, the learned Court ought not to have observed that the dispute between the parties was private in nature and that too, without going into the merits of the case.

In view thereof, the order dated 17th August, 2023 passed in the writ petition being WPA 18207 of 2023

shall be read excluding the observation that the dispute is private in nature.

The order dated 17th August, 2023 is, accordingly, modified.

The appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)