

Dd 8-12 18.09.2023

RVW 168 of 2023
with
I.A NO: CAN 1 of 2023
Dr. Haimanti Bakshi (Chattopadhyay) & Ors.
Vs
State of West Bengal & Ors.
with
WP.ST. 68 of 2021
Dr. Haimanti Bakshi (Chattopadhyay) & Ors.
Vs
State of West Bengal & Ors.
With
WP.ST. 80 of 2021
Milan Kumar Santra & Ors.
Vs
State of West Bengal & Ors.
With
WP.ST. 81 of 2021
Sambhu Ranjan Dutta
Vs
State of West Bengal & Ors.
With
RVW 215 of 2023
+
I.A. No. CAN 1 of 2023
The State of West Bengal & Ors.
Vs
Milan Kumar Santra & Ors.

Mr. Vivekananda Bose,
Mr. Ratikanta Pal, Advocates
... .. For the Appellants
RVW 168 of 2023
/ Petitioners in
WP.ST. 68 of 2021
Mr. Tapan Kumar Mukherjee, AGP
Mr. Pinaki Dhole,
Mr. Somnath Naskar, Advocates
... .. For the State
Mr. Amales Ray,
Ms. Mousumi Bhowal,
Mr. Aman Gupta,
Mr. Ishan Bhattacharya, Advocates
... ..For the Private Respondents
In WP.ST. 68 of 2021
RVW 215 of 2023
And Petitioners in

WP.ST. 80 of 2021
WP.ST. 81 of 2021

Two review applications are taken up for consideration analogously as they are directed against the same judgment and order dated June 14, 2023 passed in WP.ST 80 of 2021, WP.ST 68 of 2021 and WP.ST 81 of 2021.

RVW 168 of 2023 and the connected application therein are at behest of the writ petitioners in WP.ST 68 of 2021.

RVW 215 of 2023 is at the behest of the State.

The other parties to the three writ petitions are represented.

We find that we framed two issues in our judgment and order dated June 14, 2023. We framed the first issue as follows :-

"(i) Whether irregularly appointed employees subsequently regularized on October 19, 2005 and working as District Statistical Officer and Assistant Statistician with the West Bengal Statistical Service promoted to the post of Assistant Director/Statistician of West Bengal Statistical Service can claim seniority to persons who were appointed as District Statistical Officer and Assistant Statistician from 1995 onwards and promoted to the post of Assistant Director/Statistician?"

The issue, however, should be, whether irregularly appointed employees subsequently regularized on October 19, 2005 and working as District Statistical Officer and Assistant Statistician with the West Bengal Statistical Service promoted to the post of Assistant Director/Statistician of West Bengal Statistical Service can claim seniority to persons who were directly

recruited to the post of Assistant Director/ Statistician or not?

There is an error apparent on the first issue

We proceeded to deliver our judgment and order on the basis of first issue as noted above. Since the actual issue and the framed issue are at divergence, as is noted above, it would be appropriate to recall the entire judgment and order dated June 14, 2023 and hear the three writ petitions afresh on merits.

One of the appearing parties opposed such course of action being undertaken by the Court.

In such circumstances, RVW 168 of 2023 and RVW 215 of 2023 are **allowed**.

WP.ST 80 of 2021 along with WP.ST 68 of 2021 and WP.ST 81 of 2021 will appear in the list on **September 20, 2023**.

All connected applications to the review applications are **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)