

Item-2. 01-12-2023

MAT 2107 of 2023
CAN 1 of 2023

sg Ct. 8

Mahafujur Rahaman
Versus
The State of West Bengal & Ors.

Mr. Arjun Mookerjee, Adv.
Ms. Anshumala Bansal, Adv.
Ms. Prarthana Singha Roy, Adv.
...for the appellant
Dr. Sutanu Kr. Patra, Adv.
Ms. Supriya Dubey, Adv.
...for the WBCSSC

1. The affidavit of service filed in Court is taken on record.
2. This appeal is arising out of an order dated 25th November, 2023. The applicant in this application is an intervenee in the writ petition.
3. It is submitted on behalf of the applicant that by reason of the interim order passed in the pending writ petition, the case of the applicant could not be considered. The said application is still pending.
4. It is a grievance of the applicant that the issues involved in the writ petition are in no way involved in the Special Leave Petition (Civil) Diary No. (S) 38262 of 2022 (The State of West Bengal v Sandeep Prasad & Ors.). In fact, the learned Single Judge in the order dated 30th November, 2022 has directed the learned Advocate General to ascertain whether the issue under consideration in the writ petition is incidental and/or collateral an issue before the Hon'ble Supreme Court.
5. The writ petitioner is not served. The Commission is also not represented.
6. The order under challenge is not appealable. However, we

dispose of the appeal and the application by requesting the learned Single Judge to consider whether the issues involved in the writ petition and the Special Leave Petition are identical or incidental or collateral.

7. With the above observation, the appeal and the application are disposed of accordingly.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)