

06.09.2023
Item No.6
Ct. No.5
CHC
(dismissed)

WP.ST 234 of 2015
IA NO: CAN/1/2023

Smt. Jaya Bhattacharya
Vs.
State Administrative Tribunal & ors.

Mr. Vinay Misra
...for the writ petitioner

Mr. Tapan Kr. Mukherjee, Sr. Advocate & A.G.P.
Mr. Somnath Naskar
...for the State-respondents

C.A.N.1 of 2023 is an application for restoration.

The writ petition was dismissed for default on July 13, 2023.

Prior to the writ petition being dismissed for default, a mentioning was made on behalf of the writ petitioner for early disposal of the writ petition. On such mentioning being made, it was made known to the writ petitioner that the writ petition will be taken up serially as appearing in the list and that writ petitioner should be represented when the matter is taken up for consideration.

Writ petitioner chose not to be represented on July 13, 2023 when the writ petition was called on for hearing.

Today when the application for restoration is taken up for consideration, we requested the learned

advocate appearing for the writ petitioner to address the Court on merits for the Court to understand the merits of the writ petition.

Learned advocate appearing for the writ petitioner is unable to address the Court on merits of the writ petition.

Writ petition is seeking restoration of a writ petition dismissed for default without being able to assist the Court in the merits of the writ petition.

Consideration of merits of the matter is relevant for the purpose of considering the application for restoration. A writ petition which is *ex facie* not maintainable need not be restored.

Although Courts are lenient in restoring a matter dismissed for default, such leniency should not be reduced to an absurdity by allowing all restoration applications mechanically.

Since the writ petitioner is unable to assist the Court with regard to the merits of the writ petition, we do not deem it appropriate to restore the writ petition.

C.A.N.1 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)