

05.04.2023
DL-167
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

CAN 3 of 2023
with
CAN 2 of 2021
in
WPA 10940 of 2020

Asim Kumar Acharya
Vs.
The State of West Bengal & Ors.

Mr. Jagabandhu Mondal,
Mr. Nirmalendu Bar,
Ms. Kalpana Khan Mondal
....for the applicant/petitioner.
Mr. Avishek Prasad
....for the State.
Mr. Prithu Dudhoria
....for the respondent no.3.

In Re: CAN 3 of 2023

This is an application for recalling of an order dated February 3, 2023 passed by this Court and restoration of CAN 2 of 2021.

Perused the grounds. Such grounds are found to be sufficient.

In the circumstances, the order dated February 3, 2023 is hereby recalled and CAN 2 of 2021 is taken on board.

With the directions aforesaid, **CAN 3 of 2023** is **disposed of.**

In Re: CAN 2 of 2021

By consent of the parties this application is taken up for consideration. This is an application for

recalling of an order dated September 13, 2021 passed by a Coordinate Bench of this Hon'ble Court.

Perused the grounds. Such grounds are found to be sufficient.

In the circumstances, the order dated September 13, 2021 is hereby recalled and WPA 10940 of 2020 is taken on board.

With the directions aforesaid, **CAN 2 of 2021** is **disposed of**.

In Re: WPA 10940 of 2020

By consent of the parties the present writ petition is taken up for consideration.

Upon being taken up for consideration, this Court finds that the impugned order dated November 20, 2019 passed by the West Bengal Administrative Tribunal in RA – 06 of 2018 in connection with OA 321 of 2016 is challenged. However, the subject matter of challenge cannot be preferred before a Single Bench of this Hon'ble High Court.

In such view of the matter, **WPA 19040 of 2020** is **dismissed**, for lack of jurisdiction.

Parties will be at liberty to take appropriate action, before the appropriate forum, if so advised, on the self-same cause of action.

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

(Lapita Banerji, J.)

