

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
From Principal Bench**

The Hon'ble Justice Sabyasachi Bhattacharyya

**WPA No. 2209 of 2021
IA No: CAN 1 of 2021
Prasun Sundar Tarafdar
Vs.
The State of West Bengal and others
With
WPA No. 1168 of 2022
Santa Mondal
Vs.
The State of West Bengal and others**

For the petitioner in
WPA 2209 of 2021 &
for the private respondent in
WPA 1168 of 2022

: Mr. Ekramul Bari,
Mr. Biplab Kr. Sengupta,
Mr. Debajit Kundu,
Mr. Imtiaj Uddin

For the private
respondent in
WPA 2209 of 2021 &
for the petitioner in
WPA 1168 of 2022

: Mr. Saptangsu Basu,
Mr. Ram Anand Agarwal,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray

For the WBCSSC

: Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

For the State

: Mr. Rajarshi Dutta,
Ms. Shivalli Kajaria

Hearing concluded on

: 06.12.2023

Judgment on

: 21.12.2023

Sabyasachi Bhattacharyya, J:-

1. The writ petitioner is an approved Assistant Headmaster of the Shree Guru Vidyamandir High School, which is a Higher Secondary school. The present challenge has been thrown against the respondent no.12 who was recommended by the School Service Commission (SSC) to the Shree Guru Vidyamandir as Assistant Teacher through General Transfer from Aminpur High School on July 15, 2016.
2. The respondent no. 12 participated in the SLST 2017 Recruitment of Head Masters and became selected. As per recommendation of the School Service Commission (SSC), the respondent no. 12 was appointed as Head Mistress at the Birpara Girls' High School, also a Higher Secondary school.
3. On December 19, 2019, within a month from such appointment, the respondent no. 12 took lien-leave from Shree Guru Vidyamandir for a period of one year and a release order was accordingly issued.
4. The respondent no. 12 thereby joined the Birpara Girls High School as Head Mistress with effect from December 10, 2019.
5. The lien-leave was further extended subsequently.
6. Thereafter, the respondent no. 12 made an application for transfer on special ground and was transferred to the Amiyo Pal Chowdhury Smriti Vidyamandir but did not join there.
7. On October 29, 2021, respondent no. 12 was recommended by the SSC as Head Mistress at the Shree Guru Vidyamandir under General Transfer on special ground.

8. Challenging such transfer order, the present writ petition has been preferred by the petitioner, who is an Assistant Head Master at the Shree Guru Vidyamandir High School.
9. The petitioner alleges palpable contravention of the West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015 (hereinafter referred to as, “the 2015 Rules”) which, according to the petitioner, was in force during the entire relevant period.
10. In terms of Rule 3(1) thereof, an incumbent shall be eligible for General Transfer only if he/she is confirmed in service and has completed five years of satisfactory service in that particular school and in particular post from which he/she seeks General Transfer. Rule 3(3) provides that where an incumbent refuses to join his/her preferred School after due recommendation by the Commission, such incumbent shall not be allowed to submit transfer application for three subsequent terms of General Transfer.
11. In the present case, it is argued that the respondent no. 12 contravened such provision by seeking transfer within five years of service in the same post. She refused to join in the Amio Pal Chowdhury School, for which she also comes within the purview of Rule 3(3).
12. Rule 4 of the 2015 Rules speaks about General Transfer on Special Grounds. The respondent no. 12, it is argued, sought transfer on the ground that her father is suffering from fourth stage of Cancer and that she is unmarried and is required to look after her father.

However, Rule 4(1)(a) provides that any teacher or non-teaching staff or his/her son or daughter or spouse suffering from malignant diseases, including heart disease, renal failure, Thalassemia, replacement of organ, serious gynaecological disorder or physical disablement of 40% or more or to assist in proper treatment of self or son/daughter or spouse is a valid special ground for such transfer. However, there is nothing in the said provision which remotely comes near the ground on which the respondent no. 12 was granted transfer. The transfer not being sought by the respondent no. 12 on her own ground or the ground of her son/daughter or spouse was not within the contemplation of the 2015 Rules.

- 13.** The 2021 Scheme, which came into force on September 8, 2021, substituted Rule 4. Although Clause (a) remained substantially the same referring only to son/daughter/spouse, Clause (e) introduced “any other reasons” as a special ground for transfer.
- 14.** However, it is argued that the said provision has to be seen in the context of *ejusdem generis* and cannot be widened to incorporate the ground pleaded by the respondent no. 12. In any event, at the relevant time when the decision of transfer was taken and the recommendation made, the 2015 Rule was applicable.
- 15.** Learned counsel for the petitioner alleges that the respondent no. 12 is in the habit of seeking transfers on special ground, despite not being entitled to do so, on no occasion having served the necessary mandate of five years.

- 16.** Learned counsel also seeks to place reliance on several judgments of Division Benches of this Court in support of his contention that even if a transfer is sought on Special Ground, the rigour of Rule 3 pertaining to General Transfer applies and the concerned person has to have rendered service, after being confirmed, for five years. Such service has to be satisfactory, in a particular school and in a particular post from where the transfer is sought. The said condition was never fulfilled by the respondent no. 12.
- 17.** It is insinuated by the petitioner that the respondent no. 12 had the special blessings of the Minister-in-Charge of the concerned Department, due to which the SSC has been favouring the whims of the respondent no. 12 despite those being *de hors* the rules.
- 18.** Even the SSC and the respondent-Authorities virtually admit that at the relevant juncture, due to certain exigencies, *inter alia* including the pandemic situation, the Government was taking decisions and the recommendation was not in the hand of the SSC.
- 19.** Learned senior counsel for the respondent no. 12 contends that the 2021 Rules would be applicable and the petitioner comes within the purview of “any other reasons”. Moreover, the allegations made by the petitioner are squarely controverted. It is argued that the Rules have to be read in a liberal manner, factoring in all similar circumstances as those which are specifically stipulated therein for an incumbent to seek transfer.

20. It is argued that the expression “on special ground” in Rule 4 categorically excludes it from the purview of ordinary General Transfer under Rule 3.
21. Moreover, the father of the respondent no. 12 is suffering from a terminal illness and is at the fag end of his life and there is nobody apart from the said respondent to look after him, which necessitated the transfer.
22. Although the above submissions have been made on merits by the parties, making allegations and counter-allegations against each other, the plinth of the argument of respondent no. 12 is the objection taken to the *locus standi* of the petitioner to prefer the instant challenge. Since the question of *locus standi* assumes significance and the maintainability of the petition and adjudication of the other disputes become dependent on the same, the said issue is taken up for hearing first.
23. Learned senior counsel appearing for the respondent no. 12 argues that the petitioner is an Assistant Head Master of the concerned School and admittedly has no interest to oppose the action of filling up of the post of Head Master/Head Mistress in the School-in-question. Such admission is recorded in the first sentence of the paragraph no. 4 of the writ petition. Thus, the petitioner does not have any personal cause of action, nor is the present writ petition a Public Interest Litigation having far reaching effect on the interests of the public in general. In fact, nobody’s legal right has been infringed by the transfer of the respondent no. 12, let alone the petitioner. Thus, the

writ petition ought to be dismissed on the ground of *locus standi* alone.

24. A perusal of the order-sheet of the instant writ petition shows that *vide* order dated December 20, 2021, affidavits were directed and the question of *locus standi* was kept open to be argued by the learned Single Judge then taking up the present writ petition. Hence, learned senior counsel for the respondent no. 12 elaborates his point on *locus standi*.
25. To controvert the argument of *locus standi*, learned counsel for the petitioner cites an unreported judgment of a Division Bench of this Court dated July 31, 2018 passed in *Himani Pariya Vs. The State of West Bengal*. The Division Bench held there *inter alia* that the bar of General Transfer as stipulated in rules, 3, 5, 8 and 9 also applies to General Transfers on special grounds. On *locus standi*, the petitioner cites *M.S. Jayaraj v. Commissioner of Excise, Kerala and others*, reported at (2000) 7 SCC 552. In the said case, the Supreme Court, while considering its previous judgments, observed that in the context of Public Interest Litigation, the Court has given the widest amplitude and meaning to the concept of *locus standi*. In *Bangalore Medical Trust v. B.S. Muddappa* the Court held that the restricted meaning of 'aggrieved person' and the narrow outlook of a specific enquiry has yielded in favour of a broad and wide construction in the wake of Public Interest Litigation. The Court further observed that public spirited citizens having faith in the rule of law are rendering great social and legal service by espousing causes of public nature. In the

light of the expanded concept of *locus standi*, the court did not wish to nip the motion out solely on the ground of *locus standi*.

26. Learned counsel for the petitioner next cites *Employees In Relation to the Management of Bhalgora Area (Now Kustore Area) Bharat Coking Coal Ltd. v. Workmen*, reported at (2021) 10 SCC 717, for the proposition that fraudulent practice to gain public employment cannot be countenanced to be permitted by a court of law. Public employment is a significant source of social mobility and usurpation of constitutional benefits by persons who are not entitled to them must be answered by the court in the only way permissible for an institution which has to uphold the rule of law. In the said case, the workmen, having hoodwinked by the Government in a fraudulent manner, were held to be liable to be prevented from enjoying the fruits of the ill-gotten advantage, since the abuse of legitimate process would mean deprivation of employment benefits to rightful beneficiaries.
27. Learned counsel next relies on a Division Bench judgment of this Court in *Bimal Barman and others v. State of West Bengal and others*, reported at (2009) 2 CHN 442. The Division Bench observed in the said judgment that the Court should be jealous to see that the rule of law is established. Function of the writ court is not contoured by any limitations of prerogative writs alike the English Courts. In the pleading of the writ petition, a positive foundation of their *locus standi* was set up in the said case in the opinion of the Division Bench, by pleading their interest and close attachment with the school as well as breach of a statutory Recruitment Rule by the SSC.

28. Learned counsel appearing for the petitioner next cites another Division Bench judgment of this Court reported at (2018) 3 CHN 193 [*The Headmaster, Bhotebari Sitanath High School & ors. Vs. Mapita Samaddar & ors.*], reiterating the proposition that the rules of General Transfer also apply to General Transfers on Special Grounds.
29. While asserting the objection as to *locus standi*, learned senior counsel appearing for the respondent no. 12 cites *Sher Singh and others Vs. State of Punjab*, reported at (1983) 2 SCC 344, in support of the proposition that the decisions rendered by the Supreme Court after a full debate have to be accepted without mental reservations until they are set aside.
30. *The State Bank of India Scheduled Caste/Tribe Employees' Welfare Association and another Vs. State Bank of India and others*, reported at (1996) 4 SCC 119, is then cited by the respondent no. 12 in support of the proposition that in view of the observations in the judgment of a Larger Bench, the same ought to be preferred over a Bench decision of lesser strength. In the said context, it is pointed out that the judgments cited by the petitioner in the present case were delivered by Two-Judge Benches of the Supreme Court.
31. Learned senior counsel appearing for the respondent no. 12 cites a Five-Judge Bench decision of the Supreme Court in *State of Orissa vs. Ram Chandra Dev*, reported at AIR 1964 SC 685. The Supreme Court held therein that in order to maintain an application under Article 226, it must be established that the party has a right and the said right is illegally invaded or threatened.

- 32.** Next citing a Three-Judge Bench judgment in *Mani Subrat Jain Vs. State of Haryana and others*, reported at *AIR 1977 SC 276*, it is reiterated that it is elementary though it has to be restated that no one can ask for a mandamus without a legal right. There must be a judicially enforceable and legally protected right, the Court held, before one suffering a legal grievance can ask for a mandamus.
- 33.** Learned senior counsel cites another Three-Judge Bench judgment of the Supreme Court *D. Nagaraj and others Vs. State of Karnataka and others*, reported at *(1977) 2 SCC 148*, where the Apex Court held that though Article 226 of the Constitution in terms does not describe the classes of persons entitled to apply thereunder, the existence of the right is implicit for the exercise of the extraordinary jurisdiction of the High Court under the said Article. It is well established that a person who is not aggrieved by the discrimination complained of cannot maintain a writ petition.
- 34.** Learned senior counsel then relies on *Ghulam Qadir Vs. Special Tribunal and others*, reported at *(2002) 1 SCC 33*. The Supreme Court, in the said judgment, observed that there is no dispute regarding the legal proposition that the rights under Article 226 can be enforced only by an aggrieved person except in the case of habeas corpus or quo warranto and where the writ petition is in public interest. Although observing that the orthodox rule of interpretation has undergone a sea change in respect of *locus standi* and a liberal approach has been adopted, it was observed that a person approaching the court has to satisfy that the impugned action is likely

to adversely affect his right which is shown to be having source in some statutory provision. If a person is found to be not merely a stranger having no right whatsoever to any post or property, he cannot be non-suited on the ground of not having *locus standi*.

35. The next judgment relied on by the respondent no.12 in support of the proposition that unless injury is suffered personally, a person cannot be said to be aggrieved and has no *locus standi* is *Shripal Bhati and Another Vs. State of Uttar Pradesh and others*, reported at (2020) 12 SCC 87.
36. The last judgment cited by the petitioner is *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra and others*, reported at (2013) 4 SCC 465. The Supreme Court held therein that a stranger cannot be permitted to meddle in any proceeding unless he satisfies the court that he falls within the category of aggrieved persons. Only a person who has suffered from legal injury can challenge the act/action/order, etc., in a court of law. A writ petition under Article 226 is maintainable either for the purposes of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the authorities. The court can, it was held, enforce the performance of a statutory duty by a public body using the writ jurisdiction at the behest of a person, provided that such person satisfied the Court that he has a legal right to insist on such performance. It is implicit in the exercise of such extraordinary jurisdiction that the relief prayed for must be one to enforce a legal right. The existence of such right is the foundation of

the exercise of the said jurisdiction by the Court. A legal right means an entitlement arising out of legal rules. "Person aggrieved" does not include a person who suffers from a psychological or imaginary injury but whose right or interest has been adversely affected or jeopardised.

37. A consideration of the above judgments indicates that a common, underlying refrain of the decisions of the Supreme Court is that the legal rights conferred by a statute or otherwise of a person has to be violated to confer *locus standi* on the said person to prefer an application under Article 226 of the Constitution of India. Unless there is an infringement of a legal right, *locus standi* does not accrue to a person to seek implementation of a statutory duty by a public authority.
38. Despite a liberal approach being taken, a Public Interest Litigation has to be distinguished from a private cause of action by the writ court. It is nobody's case that the present writ petition is a Public Interest Litigation (PIL). The transfer of a person, who is already a qualified Head Mistress, to a particular school, allegedly in contravention of the existing Rules, cannot, by itself, arrogate to it the status of a PIL.
39. If the allegation was of a general nature, affecting the public at large or was shown to be a component of a malady of huge magnitude afflicting the society at large, the elements of a PIL would have been satisfied and the matter ought to have been allocated before the Division Bench taking up PILs. The petitioner having not pleaded or established so, the present writ petition does not come within the

purview of a PIL. The judgments cited by the petitioner are required to be looked into from such perspective.

40. The judgments regarding the applicability of Rules 3 and 5 pertaining to General Transfers also to General Transfers on special grounds under Rule 4, is directly on the merits of the case which, although argued, are not being gone into at this stage without the petitioner first getting over the hurdle of *locus standi*.
41. The first judgment on the issue of *locus standi* cited by the petitioner is *M.S. Jayaraj (supra)*. However, in the said case, the Supreme Court was considering the matter in the context of Public Interest Litigation. In such perspective, the Court reiterated that the restricted meaning of aggrieved person and narrow outlook of specific injury has yielded in favour of a free and wide construction in the wake of Public Interest Litigation, where public-spirited citizens having faith in the rule of law are rendering great social and legal service by espousing causes of public nature.
42. Although the said matter itself was not taken up as a PIL, the observations of the Supreme Court in the initial paragraphs thereof clearly shows that the cause of action directly affected and infringed the rights of the writ petitioner. A bidder in an auction for vending foreign liquor within a circumscribed range had been permitted by the Excise Commissioner to have his domain shifted to another range. The challenger there was an hotelier who was directly affected by such shifting. Thus, the hurdle of *locus standi* was easily crossed in the said case.

- 43.** *Employees In Relation to the Management of Bhalgora Area (Now Kustore Area) Bharat Coking Coal Ltd. (supra)* is the next case cited by the petitioner. The same did not pertain to *locus standi* at all but is on the general role of Courts in fraudulent practices to gain public employment. The Supreme Court rightly observed that public employment is a significant source of social mobility and that fraudulent practice to gain public employment cannot be countenanced. In an appropriate case, definitely the court would interfere in the light of the said observations, since it was held there that an abuse of the legitimate process would mean deprivation of employment benefits to rightful beneficiaries. However, in the said case, the Government Authorities who were allegedly defrauded by the errant workmen had preferred the challenge. Thus, the question of *locus standi* was obviously not an issue.
- 44.** In the Division Bench judgment of *Bimal Barman (supra)*, the question of *locus standi* was being discussed by the Court. In Paragraph 23 thereof, it is recorded that the cause of action was a breach of statutory provision of selection process in respect of appointment of the Head Master of a particular School. There, the guardians whose wards were studying in the school, it was held, surely had a positive interest to agitate the matter before the writ court, on which ground the Division Bench went on to entertain the matter. In such context, in Paragraph 24, it was mentioned that the writ petitioners had set up a positive foundation of their *locus standi* by pleading their interest and close attachment with the school as well as a breach of a

Statutory Recruitment Rule by the School Service Commission. In the factual backdrop of the case, it was observed that the earlier conservative view of *locus standi* was diluted.

45. In the present case, however, the situation might have been otherwise if the challenger was one of the students or the parents/guardians of a student or a contender to the post of Head Master, who then might have been directly affected by the transfer of the petitioner to the School-in-question. The petitioner does not fall within any of such categories and, as such, the said ratio is utterly inapplicable in case of the petitioner.
46. Considering the judgments cited by the respondent no. 12, it is well-settled that the judgment of a Bench of larger strength of Supreme Court is usually followed by the Supreme Court itself in preference over the judgment of a Bench of lesser strength. The ratio laid down in *The State Bank of India Scheduled Caste/Tribe Employees' Welfare Association (supra)* and *Sher Singh (supra)*, thus, are well-settled. Seen in such perspective, the respondent no. 12 has cited a Five-Judge Bench decision and two Three-Judge Bench decisions of the Supreme Court. Insofar as the Five-Judge Bench decision in *State of Orissa vs. Ram Chandra Dev (supra)* is concerned, the Court merely observed that to maintain an application under Article 226, it has to be established that a party has a right which has been legally invaded or threatened.
47. In the Three-Judge Bench decisions in *Mani Subrat Jain (supra)* and *D. Nagaraj (supra)*, the Supreme Court reiterated that a person asking for

a writ of mandamus has to have a legal right which is judicially enforceable and legally protected and he must suffer a legal grievance on infringement of such right. The existence of the right is implicit for exercise of extraordinary jurisdiction by the High Court under Article 226. A person not aggrieved by the complained action cannot maintain a writ petition. The said statements, however, are general propositions of law and are indisputable.

48. In *Ghulam Qadir (supra)*, which was also referred to by the Division Bench in *Bimal Barman (supra)*, the Supreme Court observed that there was a sea change in development of constitutional law on the question of *locus standi*. It was observed, however, that there was no dispute to the legal proposition that the rights under Article 226 can be enforced only by an aggrieved person, carving in three exceptions – habeas corpus, quo warranto and Public Interest Litigations.
49. The “sea change” and “liberal approach” spoken off by the Supreme Court were elucidated thereafter. A person approaching the Court has to satisfy that the impugned action is likely to adversely affect his right which is shown to have source in some statutory provision. The Supreme Court observed that the person had to impress that he was not merely a stranger having no right to any post or property, in which case he cannot be non-suited. Thus, the Supreme Court distinguished between a rank stranger having no right to any post or property and a person whose legal right was infringed. There is no doubt as to such proposition; however, there is a gray area between the two extremes of a person whose legal right has been obviously

infringed and a rank stranger who has no right to the post and is a busy-body.

50. The issue has been exhaustively dealt with in *Ayaaubkhan Noorkhan Pathan (supra)*. The Supreme Court, entering threadbare into the nuances of *locus standi*, observed that to have *locus standi*, a person has to be aggrieved, who has suffered or suffers from legal injury. For such purpose, such person has to come up for enforcing a statutory or legal right or when there is a complaint that there has been a breach of statutory duty on the part of the authorities. Although the disjunctive “or” has been used, the Supreme Court has made an endeavour to link the infringement of the statutory or legal right with the breach of statutory duty on the part of the authorities. Such connection was established in the next sentence by observing that the petitioner has to satisfy the court that he has a legal right to insist on such performance by the authorities. It was reiterated that the relief must be one to enforce a legal right which exists, which is the foundation of the exercise of the jurisdiction of the court.
51. The Supreme Court went one step ahead to hold that the expression “person aggrieved” does not include a person who suffers from a psychological or imaginary injury but must necessarily be one whose right or interest has been adversely affected or jeopardised. Even as regards Public Interest Litigations, it was observed that such a course of action is not permissible so far as service matters are concerns, as in the present case.

- 52.** In *Shripal Bhati (supra)*, the Supreme Court merely reiterated that to maintain an application under Article 226, there has to be an injury suffered personally by the petitioner.
- 53.** In the context of the above judgments, what is elucidated is that the legal right of a person, emanating from a statute or a legal conferment, has to be infringed for such person to have *locus standi*. Moreover, the person must have a right to seek an implementation of the statutory duty or rectification of breach of such duties by the authorities. The affectation of right must, as elucidated in *Ayaaubkhan Noorkhan Pathan (supra)*, be direct and personal and not psychological or imaginary.
- 54.** In the said backdrop, let us consider the present case. In paragraph no. 4 of the writ petition, the petitioner has boldly stated that the petitioner is not at all interested to oppose the action of the respondents for filling up the post of Head Master/Head Mistress in the School-in-question but his grievance is “against the private respondents” who managed to get the transfer order from the School Service Commission by allegedly ignoring all provisions of law.
- 55.** Hence, the appointment of the respondent no. 12 as Head Mistress of the School did not evoke any interest in the petitioner and he is not opposing the said action in the writ petition.
- 56.** Evidently, the right to the post where the respondent no. 12 has been appointed is not in question. Even admittedly the petitioner himself is an Assistant Head Master and is not eligible to be a contender for the post of Head Master in the School-in-question, that is, Shree Guru

Vidyamandir High School or for that matter in any other School. Thus, no legal right of the petitioner to be appointed to the said post can be said to have been infringed in any manner whatsoever.

57. The cause of action of the petitioner is, thus, notional insofar as he is aggrieved with his perceived violation of Rules by the transfer order. The petitioner has argued that he wants to work under a Head Mistress who has 'integrity', which is not based on any legal or constitutional right.
58. The transfer order of a third party, even if to the same institution where the petitioner is working, cannot, by any stretch of imagination, furnish a cause of action for the instant writ petition. The transfer was not to a post for which the petitioner vies, nor is the petitioner interested to oppose such action of filling up the post.
59. Hence, there is no question of the petitioner's legal rights being infringed in any manner whatsoever. The petitioner does not have a statutorily enforceable right vis-à-vis the act of the authorities to transfer the respondent no. 12 to her present post. Hence, the question of infringement of such statutory right does not appear at all.
60. Rather, the petitioner's perceived cause of action is evidently "psychological" and "imaginary" in terms of *Ayaaubkhan Noorkhan Pathan (supra)*. It is necessary to remember the words of Benjamin Cardozo, as quoted by Justice Krishna Iyer, that "the judge is not a knight-errant roaming at will in pursuit of his own ideal of beauty or of goodness... He is not to yield to spasmodic sentiment, to vague and unregulated benevolence". Thus, despite being faced with the dilemma

to adjudicate an otherwise arguable cause, such temptation must be resisted in the present instance, since unfettered challenges without the petitioner having *locus standi* would open a flood-gate to litigations which might be numerous, frivolous and even vexatious in certain cases.

61. In such view of the matter, it cannot be said from any perspective that the petitioner has an iota of *locus standi* to prefer the present writ petition against the transfer order of the respondent no.12.
62. Thus, the writ petition is not maintainable at the instance of the writ petitioner on the ground of lack of *locus standi*.
63. Accordingly, WPA No. 2209 of 2021 with CAN 1 of 2022 is dismissed on contest.
64. WPA No. 1168 of 2022 is also disposed of accordingly in the light of the above observations.
65. There will be no order as to costs.
66. Urgent certified server copies, if applied for, be issued to the parties upon compliance of due formalities.

(**Sabyasachi Bhattacharyya, J.**)