

03.09.2024.
PB
Sl. No.5.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 2988 of 2016

Sri Kalachand De
Vs
The State of West Bengal & Ors.

Mr. Kartick Kr. Bhattacharyya,
Mr. Subhas Ch. Datta,
Mr. Soumashree Dutta.
.....for the petitioner.

Mr. Pinaki Dhole,
Ms. Tapati Samanta.
.....for the State.

The issue to be decided in the instant writ petition is whether the petitioner would be entitled to get notional benefit.

The petitioner insists that the selection process was of the year 2000, but the appointment letter was issued in his favour in the year 2007. In the interregnum several litigations were filed which remained pending for a considerable period of time. After disposal of the cases appointment letter was issued to the petitioner. There was no fault on the part of the petitioner in causing delay.

Learned advocate representing the State respondents submits that the right of the petitioner to get the job accrued only after the panel was re-casted in terms of the order of the Hon'ble Division Bench. The writ petition filed by the petitioner is liable to be dismissed.

As there is no specific direction of the Hon'ble Division Bench upon the respondent authorities for grant of notional benefit, accordingly, the prayer of the petitioner cannot be considered.

It appears that at the time of admission of the writ petition in May, 2016, there was a direction for filing affidavit in opposition. The same has not been filed till date. The matter is required to be heard upon exchange of affidavits.

Let affidavit in opposition be filed by 4th October, 2024. Reply, if any, be filed at the time of hearing.

List the matter for hearing in the combined monthly list of November, 2024.

Learned advocate for the petitioner shall produce the copy of the order passed by the Hon'ble Division Bench in MAT 33 of 2003.

(Amrita Sinha, J.)

