

14.08.2024
M.L.54
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13637 of 2024

Shri Deb Kumar Singha
Vs.
Rajnish Kumar Mishra & Ors.

Mr. Gunjan Kumar Singh,
Ms. Sweta Singh,
Ms. Anita Das

....for the petitioner.

Mr. Partha Ghosh,
Mr. Ajay Choubbey,
Mr. Amal Kumar Datta,
Ms. Rina Bhattacharya

....for the respondent nos.1 & 5.

The petitioner is an ex-serviceman. Post retirement the petitioner served in various capacities. Between May 2012 and May 2013, the petitioner was the Private Secretary to the Chairperson of Right to Education Protection Authority, West Bengal, now known as State Commission for Protection of Child Rights, West Bengal. The petitioner served as Tribunal Master of the Armed Forces Tribunal, Kolkata Bench till 10th February, 2023 on completion of 64 years of age. The petitioner, as per the affidavit appended to the writ petition, is presently 66 years in age.

The petitioner says that the respondent no.1, who is the present Deputy Registrar of the Armed Forces Tribunal (in short AFT), Regional Bench,

Kolkata, does not have the requisite qualification for being appointed so.

The respondent no.1, as appears from the writ petition, was selected for the post of Deputy Registrar, AFT in the year 2021 which was communicated by a memo dated 23rd August, 2021.

It is submitted on behalf of the respondent nos.1 and 5 that the respondent no.1 joined the services as the Deputy Registrar of AFT on 1st November, 2021. It is apparent that at the time when the respondent no.1 joined as the Deputy Registrar of AFT the petitioner was in the service of AFT as the Tribunal Master. The petitioner did not object to such appointment till the petitioner retired from the services on 10th February, 2023.

Query under Right to Information Act, 2005 which, according to the petitioner, forms the basis of his claim, was made on 13th January, 2023, that is immediately prior to his retirement.

The petitioner is neither a contender for the post of Deputy Registrar nor had participated in the selection process of the Deputy Registrar of AFT. The petitioner, therefor, has no individual cause of action. The petitioner has tried to espouse a cause of action as a whistle blower.

In a writ petition with the prayer of *quo warranto* directed against an individual, in the facts and circumstances as aforesaid, is not maintainable before the Single Bench of this Court.

That apart and in any event, I do not find any merit in the submissions made by the petitioner to persuade me to exercise jurisdiction under *quo warranto*.

The writ petition, therefor, fails and is accordingly dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)