

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 21.05.2024

DELIVERED ON: 21.05.2024

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNAM
AND**

THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA
M.A.T. 971 of 2024

**With
IA No. CAN 1 of 2024**

**State of West Bengal
Vs.
Debasish Dhar & Ors.**

Appearance:-

Mr. Kishore Datta, Ld. Adv. Gen.

Mr. Anirban Ray, Ld. G.P.

Mr. Biswabrata Basu Mallick

Mr. Debangshu Dinda **...for the appellant**

Mr. Nilanjan Bhattacharjee

Mr. Akash Dutta

Mr. Neil Chakrabortyfor the respondent no. 1

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the State is directed against the order dated 13th May, 2024 in W.P.A. 13383 of 2024. In the said writ petition, the learned writ Court has issued a positive direction to the State Government to issue No Due Certificate to the writ petitioner, as claimed by him.
2. Admittedly, certain disciplinary proceedings are pending against the writ petitioner, who was a former IPS officer and is now put on compulsory wait pending disposal of the disciplinary proceedings initiated against him.

3. Considering the facts and circumstances of the case, it would not be proper to issue a positive direction to the State Government to issue a No Due Certificate without considering the impact of the disciplinary proceedings initiated against the writ petitioner qua the claim for No Due Certificate. Therefore, we slightly modify the direction issued by the learned Writ Court by directing the appropriate authority of the State Government to consider the writ petitioner's request for grant of No Due Certificate regarding electricity charges, water charges, telephone charges etc. and if there are no other legal impediments, such certificate shall be issued.
4. However, if in the opinion of the State Government, there are certain other legal impediments, then the writ petitioner should be informed by a reasoned order so as to enable the writ petitioner to work out his remedies in accordance with law.
5. In the event, the State Government takes a stand that the disciplinary proceedings would have an impact qua the request for No Due Certificate, that should also be clearly spelt out in the reasoned order that is to be passed.
6. The above directions be complied with by the competent authority of the State Government by not later than 21st June, 2024.
7. Since the Parliamentary Election has already commenced and is in the process of being completed, any prayer for filing of nomination etc., as prayed for by the writ petitioner is not feasible of consideration or grant. Hence, such prayer has to be necessarily, rejected.
8. With the above directions, the appeal and the connected application are disposed of.

9. No costs.

10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)

Pallab/Srimanta AR(Ct.)