

20-06
2024
THURSDAY

Court : 08
Item : DL-08
Matter : MAT
Status : SERVICE
Bench ID : 266048
Transcriber : NANDY

MAT 1177 of 2023
with
CAN 1 of 2023
CAN 2 of 2023

Rajib Patra & Ors.
Vs.
Swarna Sekhar Kumar & Ors.

Mr. Arijit Dey, Advocate

..... for the Appellants

Ms. Kakali Samajpaty, Advocate

Ms. Sangita Tangra, Advocate

Ms. Diotima Shrestha Ghosh, Advocate

.....for the Respondent/State

Mr. Nirbanesh Chatterjee, Advocate

.....for the ICAR

1. It is really unfortunate that without serving the copy of the applications upon the respondents in its entirety, the selected respondents were served with the copy of the applications with a view of inculcate a sense that service is effected and the matter can be taken up.
2. Learned Counsel for the appellant is bold enough to support such stand and submits that service is affected upon all persons interested in the litigation, who are adversely affected by the impugned order and, therefore, the service upon the others could not be made.
3. We have seen that the candidates who stand on same footing that of the appellant and also arraigned as respondents in the writ-petition has not been served at all. They would be vitally affected by the decision taken in the instant appeal and, therefore, it is improper and improbable to proceed in their absence unless they have been served with the copy of the applications.

4. The justification sought to be assigned by the learned Counsel for the appellant is not acceptable to us for the simple reason that a litigant should not be permitted to walk merrily from the corridor of the Court after receiving the blessings affecting the rights of others who were neither served nor were given any opportunity of hearing.
5. It appears to us that on the submissions so advanced before the earlier Coordinate Bench by the learned Counsel for the appellant, the matter was taken up and directions were passed in absence of other respondents upon whom no attempt was made to serve the copy of the applications as well as the notice.
6. The State filed the report in terms of an order dated 18.01.2024, which is taken on record.
7. At this stage, Mr. Nirbanesh Chatterjee, learned Advocate appears and submits that he has received instruction from the Indian Council of Agricultural Research, respondent no. 3,- to appear in the instant matter. He further submits that the copy of the applications has not been served upon him, which is highly disputed by the learned Counsel for the appellant.
8. Be that as it may, we do not delve to go deep into such aspect and in order to expedite the hearing of the applications, we hereby direct the learned Counsel for the appellant to serve the copy of the applications and other affidavits filed in connection with the instant case upon Mr. Chatterjee in course of this week. The appellant is also directed to serve the copy of the applications and the affidavits filed

in connection with the instant appeal upon the respondent nos. 14 to 17 by speed post and shall file affidavit of service on the next date.

9. List the matter three weeks hence.

(Harish Tandon, J.)

(Prasenjit Biswas, J)