

Court No. 2
21.5.2024
(Item No. 29)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 18466 of 2006
+
CAN 2 of 2023

Harendra Kushari Vidyapith & Ors.
VS
West Bengal Board of Secondary Education & Ors.

Mr. Dilip Kumar Samanta
.... For the applicant/respondent No. 3
Ms. Koyeli Bhattacharyya
.... For West Bengal Board
of Secondary Education

Mr. Dilip Kumar Samanta, learned advocate
appears for respondent No. 3.

Ms. Koyeli Bhattacharya, learned counsel
appears for West Bengal Board of Secondary
Education.

Today, none appears for the writ petitioner,

Today Mr. Dilip Kumar Samanta, learned
advocate appearing for the respondent No. 3 prays for
reliefs claimed in his client's applications being **CAN 1
of 2015 and CAN 2 of 2023**. He submits that,
because of the act of the writ petitioner the
respondent No. 3 has suffered immense prejudice and
loss during his employment career. He has already
retired on **January 31, 2018**. Learned counsel
submits a compilation of list of dates.

On the prayer of Mr. Samanta, time to file
affidavit-in-reply on behalf of the respondent No. 3 in
CAN 1 of 2015 (old No. CAN 1089 of 2015) stands
extended till today. The affidavit-in-reply filed in Court
today affirmed on April 26, 2017 is taken on record.

Considering the prayers made in those two interlocutory applications filed in the main writ petition by the respondent No. 3, this Court is of the view that, interlocutory applications can be filed and the reliefs claimed therein should only be in aid of the main reliefs claimed in the writ petition. Else, the respondents can file an interlocutory application in the writ petition either seeking recalling, vacating or modification of any order passed in the writ petition or for dismissal of the writ petition. The reliefs claimed by the respondent No. 3 in his both applications cannot be granted in the main writ petition filed by the writ petitioner.

However, this Court has not gone into the merits of the said applications filed by the respondent No. 3 and the respondent No. 3 shall be at liberty to pursue his claims in an appropriate proceeding, in accordance with law.

Since the writ petitioner is not represented, this writ petition **W.P.A. 18466 of 2006** stands **dismissed for default**.

Interim order, if any passed in the main writ petition stands vacated.

With the above observations **CAN 1 of 2015 (old CAN No. 1089 of 2015)** and **CAN 2 of 2023** consequently stand **disposed of**.

(Aniruddha Roy, J.)