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09.01.2025
Court No. 25
D.Hira

**CPAN 1221 of 2024
With
CAN 1 of 2025**

**Tarapada Bailay
Vs.
Joydeep Chakraborty, The Certificate Officer,
Howrah
In**

WPA 3697 of 2024

**Tarapada Bailay
Vs.
State of West Bengal & Ors.**

**Mr. Naren Ghosh.
... for the applicant/petitioner**

**Ms. Amrita Pandey,
Ms. Sneha Singh.
... for the respondent no. 5**

**Mr. Bipin Ghosh.
... for the alleged contemnor**

CAN 1 of 2025 is an application filed by the applicant/writ petitioner for recall of this Court's order dated December 2, 2024. By dint of the same, the court has dropped the contempt proceeding, brought in by the applicant/petitioner, being CPAN 1221 of 2024.

Mr.Ghosh for the applicant has submitted that due to the error and latches on the part of the conducting lawyer for the applicant/petitioner having submitted erroneously, the Court has considered the petitioner to be not represented on the particular date of hearing. He says that, however, the applicant/petitioner is willing to contest in the case and has fair possibility to succeed. He insists that the petitioner being a retired employee of the respondent. No.5, should not suffer due to the latches on part of the

learned Advocate. He seeks that the order dated December 2, 2024, be recalled for the reason as above.

The scope to recall Court's previous order is very limited, that is only when a party is deprived of the right of hearing. However, on the date as above, the learned advocate for the applicant/petitioner appeared and submitted to have no contact with his client. Hence, there would not be any scope for recall of the said order of the Court dated December 2, 2024.

However, the applicant/petitioner would not be barred to file a fresh application for contempt. Hence, liberty is given to the petitioner/applicant for filing fresh contempt application, if so advised.

CAN 1 of 2025 is disposed of with the observation as above.

(Rai Chattopadhyay, J.)