

WPST 170 of 2024
(Narayan Pattendar Vs. The State of
West Bengal & Ors.)

Mr. Ramkrishna Bhattacharya
Mr. Kaushik Chowdhury
Mr. Gourhari Das

.... For the petitioner

Mr. Tapan Kumar Mukherjee, Id. AGP
Ms. Sangeeta Roy

.... For the State

Records reveal that the original application (in short, OA), being OA 911 of 2017 was preferred by the petitioner challenging *inter alia* an order dated 22nd July, 2016 passed by the respondent no. 2. The OA was heard on 2nd February, 2018 and the parties were directed to exchange their reply and rejoinder. The parties, accordingly, exchanged their pleadings. As per the leave granted by the learned Tribunal, a supplementary affidavit was also filed by the petitioner and thereafter, the matter appeared for final hearing on several dates. Such pendency of the matter stood intervened by a period lost due to the pandemic. Thereafter, when the matter appeared for hearing on 6th January, 2023, the learned single member was pleased to observe that since the matter relates to appointment, the same needs to be heard by a Bench comprising of two members (Judicial and Administrative).

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is languishing

before the learned Tribunal since the year 2017. Placing reliance upon a notification dated 23rd November, 2022, he submits that the matter comes within the classification '*Recruitment, Appointment*' and as such, the same can be heard by a single member.

Mr. Mukherjee, learned Additional Government Pleader appearing for the State does not oppose the petitioner's prayer for issuance of necessary direction for hearing of the matter finally before the learned single member of the Tribunal.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Access to justice is a fundamental right and the State must provide an effective adjudicatory mechanism and such process of adjudication must be accessible and speedy. However, the West Bengal Administrative Tribunal is functioning with a single member for a substantial period of time and there is also no possibility towards constitution of a Bench of two members (Judicial and Administrative) in the near future. As a consequence, thereof, the litigants had been the worst sufferers. The State must conduct itself with high probity and candour and ensure that the litigants do not succumb to the procedural rigmarole.

The original application pertains to grant of appointment. The notification dated 23rd November,

2022, *inter alia*, provides that ‘*Recruitment, Appointment*’ matters can be heard by a single member.

By an order dated 25th April, 2024 passed by a Bench presided over by the Hon’ble Chief Justice in a Public Interest Litigation observing *inter alia* that ‘... *the applications which are filed need not be adjourned to be heard by a Bench comprising of Two Members....*’. Such observation was made taking note of an order passed in an earlier writ petition being WPA 21973 of 2023.

In the said conspectus and in the light of the order dated 25th April, 2024 passed by the Bench presided over by the Hon’ble Chief Justice in WPA(P)/125/2024, the learned single member is directed to hear and dispose of the original application on merits, as expeditiously as possible and preferably within a period of 8 (eight) weeks from the date of communication of this order to the learned Registrar of the Tribunal, without granting any unnecessary adjournment to either of the parties.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)