

13.11. 2024
item No.4
n.b.
ct. no. 24

WPA 20176 of 2022

**Gouri Ashok Garget
Vs.
Union of India & Ors.**

Mr. Barnamoy Basak,
..... for the petitioner.
Mr. R. N. Majunder,
Mr. S. M. Obaidullah,
... for the IIT.
Mr. Anujit Mukherjee,
Mr. Prithish Chandra,
.... For the respondent.

The instant writ petition is filed for issuing mandamus upon the respondent authority to quash gradation list for the year 2021-22 appearing in annexure P-4 of the writ petition.

The Indian Institute of Technology being the respondent nos. 2 and 3 used affidavit against the writ petition. The IIT has contended that the document appearing in page 21(annexure P-4) is demonstrated to be impugned in this matter, but it is not valid document and it has never been published by the IIT. In paragraph 4 of the said affidavit-in-opposition that IIT has specifically contended that the alleged gradation list is mis-conceived and non-maintainable in the eye of law. They have also denied the annexure P-4 to the writ petition that it was never published by the respondent institute. It is the positive assertion in the affidavit-in-

opposition that the said annexure P-4 is purported document, which is concocted and false.

Petitioner used affidavit-in-reply against the affidavit-in-opposition filed by the IIT. The contention of IIT in the affidavit-in-opposition was not specifically denied by the petitioners.

I have perused the annexure P-4 of the writ petition. The said document does not contain any date or any memo number of the IIT.

As the respondent nos. 2 and 3 made positive assertion on affidavit that the said document being annexure P-4 has never been published and, as the same contention not specifically denied by the petitioner, I think it justified to dispose of the instant writ petition on the self-same ground.

It appears to me that the present petitioner has challenged the gradation list appeared in annexure P-4 of the writ petition. The existence of the said annexure P-4 was disputed by the IIT by using affidavit. I find justification in the contention of IIT to that effect.

Under the above observation, the instant writ petition is disposed of as merit less.

The other merit to the writ petition regarding the objections against the private respondent no.4 was not specifically dealt with by this Court. Thus, the allegation made therein or reply thereof shall not be

taken to be a part of decision of this court in this writ petition.

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

(Subhendu Samanta, J.)