

25.11.2024
(D/L-22)
Ct. No.4
(B.K.N.)

W.P.S.T. 212 of 2024

**Sri Buddhadeb Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Malay Bhattacharyya,
Mr. Pradip Paul,
Ms. Renesa Dey,
Ms. Sudipa Sengupta
...for the Petitioner

Mr. Tapan Kr. Mukherjee, Ld. A.G.P.,
Mr. Pinaki Dhole,
Mr. Somnath Naskar
...for the State Respondents

The short submission advanced by the learned counsel for the petitioner is that the order of rejection of the petitioner's claim for appointment dated 21st August, 2024, relying on which the petitioner's O.A. has been found to be infructuous by the West Bengal Administrative Tribunal (Tribunal), was never served on the petitioner.

In spite of the fact that the O.A. was filed in the year 2023. The respondent State Authorities did not file any W.S. On 22nd August, 2024 they produced an order passed just one day prior thereto on 21st August, 2024 and relying on this document they have

submitted that the petitioner's claim has become infructuous which submission has been accepted by the Tribunal without directing the respondents to serve a copy on the petitioner.

We cannot countenance such a situation where the Tribunal passes an order without giving an opportunity to the applicant to even consider the document based on which the claim is being rejected.

We have granted opportunity to the State to submit a copy of the rejection order dated 21st August, 2024. They have failed to submit any such order of rejection dated 21st August, 2024. Now a ground is taken that the rejection is dated 6th November, 2024. Copy of the rejection order dated 6th November, 2024 has been handed over to learned counsel for petitioner in Court today.

In the circumstances we find that order of the Tribunal is unsustainable as there is no order dated 21st August, 2024 relying on which the Tribunal has dismissed the O.A.

The order of the Tribunal dated 22nd August, 2024 passed in O.A. No. 26 of 2023 is thus set aside. The petitioner would be at liberty to assail the order dated 6th November, 2024 before the Tribunal in accordance with law.

The writ application is allowed in the above terms.

Copy of the order dated 6th November, 2024 is
taken on record.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)