

1402  
2025

FRIDAY

Court : 08  
Item : DL-34  
Matter : MAT  
Status : DISMISSED  
Bench ID : 266291  
Transcriber : NANDY

IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
APPELLATE SIDE

MAT 181 OF 2025  
CAN 1 OF 2025

SK. RAKIBUL ALI

Vs.

THE STATE OF WEST BENGAL & ORS.

MR. SHUVRO P. LAHIRI, ADVOCATE  
MR. RAJESH NASKAR, ADVOCATE  
MR. ANKAN MONDAL, ADVOCATE

.....for the Appellant

DR. SUTANU KUMAR PARTRA, ADVOCATE  
MS. SUPRIYA DUBEY, ADVOCATE

.....for the WBSSC

MR. BISWABRATA BASU MALLICK, LD. AGP  
MR. BIMAN HALDER, ADVOCATE

.....for the State

1. The appeal arises from an order dated 05.02.2025 passed by the Single Bench in the following manner:-

*"This Court is not inclined to exercise its urgent determination to entertain this matter.*

*Let the matter go out of list and be placed before the regular Bench.*

*Parties to act on the server copy of this order duly downloaded from the official website of the Court.*

*Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities."*

2. It is sought to be contended by the learned Counsel for the appellant that the writ-petition was supposed to be listed before the Bench having determination but because of the unavailability of the learned Judge, urgent determination was given to another learned Judge before whom the

mentioning was made and direction was passed to list the matter before the Regular Bench.

3. It is vociferously submitted that the moment the direction was passed to list the matter, it is not open to the learned Judge to hold that there is no urgency in the matter.
4. We are not impressed with the aforesaid submission. The Chief Justice being the master of roster assigned the determination to the respective Judges to discharge their duties. However, on unavailability of any of the Judges, such roster is assigned to another Judge, in the event, any urgency is cropped up. Mere mentioning the matter on the ground of an urgency, if leave is granted to list the matter, does not mean that the learned Judge has dispensed with the ground of urgency to be considered on the date of listing.
5. At the mentioning, the cause papers are not available before the learned Judge and it is only on the submission made at the Bar, direction was passed to list the matter. It is still open to the learned Judge when the cause papers are produced on the next date to find out whether there exists any urgency which requires an immediate intervention by the Court. It is within the discretion of the learned Judge to arrive at the conclusion whether there is urgency or not despite the fact that on the mentioning, leave was granted to list the matter before it. Moreover, it is not uncommon that at the mentioning the Judge hears one of the parties orally in absence of the other side.

6. We thus do not find any infirmity in the impugned order.
7. The appeal being **MAT 181 of 2025** and the connected application being **CAN 1 of 2025** are **dismissed**.

**(HARISH TANDON, J.)**

**(PARTHA SARATHI CHATTERJEE, J)**