

16th April, 2025
(D/L No.21)
Ct. No.4
(SKB)

W.P.S.T.61 of 2025

Abul Huda and others
Versus
The State of West Bengal and others

Mr. Tulshidas Ray,
Mr. Tirthankar Roy
... for the petitioners.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Ms. Sangeeta Roy
... for the State.

1. Only on the ground that the petitioners, who are the applicants before the State Administrative Tribunal, are senior citizens, the learned counsel for the petitioners submits that this court should proceed to take up the relief prayed for in the OA filed before the West Bengal Administrative Tribunal (in short 'Tribunal'). It is not the case of the learned counsel for the petitioners that any irreparable injury is going to arise if the matter is not taken up immediately.
2. The learned counsel for the State, on the other hand, raises an objection regarding maintainability of the prayer made in the OA directly before this court under Article 226, referring to the decision of the Apex Court in ***L. Chandra Kumar Vs. Union of India and others***

reported in ***AIR 1997 SC 1125*** as well as the decision in the case of ***Rajeev Kumar and another Vs. Hemraj Singh Chauhan and others*** reported in ***(2010)4 SCC 554***.

3. From these two reports relied upon by the learned State counsel the settled legal position that emerges is that the Tribunal shall continue to be the court of first instance. The petitioners have not been able to make out a case for exercise of extra ordinary and discretionary writ jurisdiction in favour of the petitioners.
4. In view of the settled legal position, and there being no extraordinary circumstance requiring this court to invoke the jurisdiction under Article 226, we find no reason that the petitioners/applicants cannot wait for the appointment of a member before the Tribunal so as to enable the Tribunal to proceed to consider the matter.
5. The writ petition is, accordingly, disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)