

17.06.2025
Item No.25
BR

WPA 6677 of 2020
Subhankar Kumar Saha.
-vs-
State of West Bengal and others

Mr. Soumyadeep Das
... for the petitioner

Mr. Jahar Datta,
Mr. Bipin Ghosh
... for the State

Affidavit of service filed by the petitioner
be kept with the record.

The writ application has been preferred
praying for stay of the operation of the
Notification issued by the respondent
authorities on 12.08.2020 and not to give
effect to the said Notification.

It appears from the record that the said
Notification has already been given effect
too by the respondents and a fresh
candidate has already been appointed to
the said post.

It is the contention of the learned
counsel for the petitioner that the petitioner
wants the appointment of the subsequent
candidate to be cancelled who has been
appointed by the Notification under
challenge.

On perusal of the materials on record, it appears that the petitioner had challenged the conduct of the respondent authorities who allegedly did not allow him to join the post in spite of being appointed vide an order dated 3.3.2017 (page 21 of the writ petition)

The petitioner being aggrieved by not being permitted to join the post had earlier moved the High Court by filing a writ petition being WP 27661 (W) of 2017 and vide an order dated 21.6.2018 the High Court considering the case of the petitioner as made out in the present writ application also directed as follows :

“Therefore, having regard to the submission of Mr. Bhattacharya that the petitioner, if he would have been allowed to discharge duties, would have earned honorarium of Rs. 8,500/- per month, treating his initial contract to be one year, the Respondent No. 2/the BDO shall deposit sum of Rs. 1,02,000/- (Rupees One Lac Two Thousand only) (Rs. 8,500x12) from the funds of the Panchayat to be deposited with the learned Registrar General, High Court, Calcutta.

The Learned Registrar General, High Court shall invest the fund in a Short Term Fixed Deposit.”

At this stage the petitioner submits that he does not wish to pursue the relief prayed for in the writ application in respect of the other candidate who has been appointed and prays for leave to withdraw the amount deposited as directed by the Court in W.P. No. 27661(w) of 2017.

Learned counsel for the State raises no objection.

Writ application is accordingly disposed of with liberty granted to the petitioner herein to withdraw the amount deposited as directed in WP 27661(W) of 2017 with the learned Registrar General along with interest.

Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)