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14.01.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 30387 of 2024

**Gun and Shell Factory & Ors.
-versus-
Union of India & Ors.**

**Mr. S.T. Mina,
Ms. Priyanka Das.
...For the Petitioners.**

**Mr. Subhas Chandra Sarkar,
Mr. Praloy Bhattacharjee.
...For the Respondents.**

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners are aggrieved by the act on the part of the Senior Quality Assurance Officer holding that the petitioners cannot be allotted seats in the 12th JCM-IV level Council as they did not fulfill the condition of recognition before the date of announcement of the result i.e. on 29th January, 2024.
3. As the petitioners went out of the fray of the election, the Council was formed with the representatives of the balance two Unions.
4. It appears from the submissions made on behalf of the parties and on perusal of the documents annexed to the writ petition that prior to filing of the instant writ petition, the petitioners did not raise any grievance before the Senior Quality Assurance Officer.
5. Specific stand of the petitioners is that the petitioners fulfilled the requisite condition for being

allotted seats in the election process. The subject election was not conducted in accordance with the guidelines framed by the Ministry of Defence, Government of India.

6. It appears that prior to filing the instant writ petition the petitioners did not raise any grievance before the said authority.

7. As the petitioners did not raise any grievance before the authority after seats were not allotted in favour of the petitioners, accordingly, the Court is not inclined to adjudicate the issue on merits at this stage. It will be open for the petitioners to raise the issue before the Senior Quality Assurance Officer, the respondent no. 3 herein.

8. In the event such a representation is made, the same shall be considered by the respondent no. 3 in accordance with the guidelines framed by the Ministry of Defence after giving a reasonable opportunity of hearing to all the necessary parties and by passing a reasoned order.

9. If the aforesaid authority is of the considered opinion that the stand of the petitioners is proper, then necessary remedial steps shall be taken at the earliest.

10. The writ petition stands disposed of.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)