

**15.06.2026**  
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**FMA 945 of 2022**  
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IA No.: CAN 1 of 2022  
**The State of West Bengal & Others**  
- *Versus* -  
**Sri Suprabhat Thakur & Others**

Ms. Tapati Samanta  
... for the Appellants.

The present intra-court appeal has been preferred by the State and its functionaries challenging that part of the order dated 2nd February, 2022, passed by the learned Single Judge in WPA 1966 of 2020, whereby the Director of Library Services, appellant no. 2 herein, was directed to pay costs of Rs.10,000/- and to consider the writ petitioner's representation submitted before the concerned respondent seeking the benefit of a higher scale of pay.

Ms. Samanta, learned Advocate appearing for the State appellants, submits that in compliance with the portion of the order whereby appellant no. 2 was directed to consider the representation of the writ petitioner/respondent no. 1, a reasoned order was passed on 28th March, 2022 rejecting the writ petitioner's prayer for grant of a higher scale of pay.

However, the writ petitioner assailed the said order dated 28th March, 2022 by preferring another writ petition, being WPA 22091 of 2022, which was disposed of by a judgment and/or order dated 13th April, 2023, whereby the said order dated 28th March, 2022 was set aside and the authorities were

directed to grant the higher scale of pay to the writ petitioner, re-fix his scale of pay accordingly, and disburse the arrears payable to him.

She submits that, in compliance with the said judgment and order dated 13th April, 2023, all benefits have been extended to the writ petitioner/respondent no. 1. She further submits that, since the order has been complied with and the writ petitioner's grievance has been redressed, the direction for payment of costs may be waived.

Despite service, the respondents are unrepresented.

Records reveal that the writ petitioner submitted a representation on 1st July, 2019. Immediately thereafter, a writ petition, being WP 12779 (W) of 2019, was preferred alleging inaction on the part of the Director of Library Services in considering the said representation. The said writ petition was ultimately dismissed as withdrawn with liberty to file afresh. Such liberty was granted by an order dated 30th July, 2019. Pursuant thereto, the present writ petition, being WPA 1966 of 2020, was affirmed on 28th January, 2020 and filed thereafter.

The power to impose costs is discretionary. However, such discretion must be exercised judiciously and on sound legal principles. The portion of the order under challenge in this appeal, directing payment of costs, is bereft of any reasons.

Considering this aspect, and taking note of the fact that the writ petitioner's grievance has already been redressed in compliance with the directions passed by another learned Single Judge in WPA 22091 of 2022, that part of the impugned order

passed in WPA 1966 of 2020 directing appellant no. 2 to pay costs of Rs.10,000/- is set aside.

With this observation and direction, the appeal and the connected application are disposed of.

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

**(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)**