

S/L 11
22.01.2026
Court No.04
B.K.N

W.P.S.T. 45 of 2021
Mithun Chowdhury & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Tapan Kumar Mukherjee, Ld. AGP,
Mr. Pinaki Dhole

...for the State.

1. None appears on behalf of the petitioners.
2. Learned advocate representing the State is present.
3. The petitioners applied for the post of Constable in Kolkata Police pursuant to the advertisement dated 14.01.2009. The petitioners appeared before the selection board constituted for recruitment to the post of Constable. They did not secure the minimum benchmark fixed by the department. They became unsuccessful.
4. The petitioners approached the West Bengal Administrative Tribunal (SAT in short) by raising a grievance regarding their exclusion in the process of recruitment and alleging illegality therein. O.A. No. 184 of 2011 filed by the petitioners was dismissed by the Tribunal on 26.11.2012. The same is assailed by way of the present writ proceeding instituted 9 years thereafter, that is in 2021.
5. In similar circumstance, other similarly situated as the present writ petitioners filed writ petitions which were dismissed on the ground of delay, which fact was noticed

by an earlier order dated 07.09.2021 in the present proceeding which reads:

“Mr. Biswabrata Basu Mallick, learned counsel appearing on behalf of the State, has produced before us two orders passed by a coordinate bench of this Court in WPST 37 of 2020 (Md. Jahangir Sk. Vs. The State of West Bengal and Ors.) and WPST 44 of 2021 (Sanjoy Biswas and Anr. Vs. The State of West Bengal and Ors.) on 22nd February, 2021 and on 22nd April, 2021 respectively where both the writ petitions were dismissed on the ground of delay in challenging the order passed by the Tribunal on October 19, 2012 and March 12, 2013 respectively.

The petitioners shall also take note of the aforesaid two orders passed in similar matters (WPST 37 of 2020 and WPST 44 of 2021) by dismissing the writ petitions on the ground of delay. However, as a last chance, instead of dismissing the writ petition on the basis of aforesaid two orders, we would like to give a further opportunity to the petitioners to argue their case on the adjourned date.

Let this matter appear on 21st September, 2021.

In the event, the writ petitioners are not represented on the adjourned date, we would dispose of the writ petition in terms of the order passed by a coordinate bench of this court in view of the similar facts and we shall presume that they have no objection in this regard.

Mr. Sayan Ganguly, learned advocate on record for the State, shall communicate this order to Mr. Sutirtha Das, learned advocate on record representing the writ petitioners, along with said two orders (WPST 37 of 2020 and WPST 44 of 2021) within one week from date.”

6. On 07.09.2021 though the writ petitioners were not present before the Court, direction was given upon the learned advocate for the State to communicate the order to the learned advocate on record representing the writ petitioners along with the said two orders passed in W.P.S.T. 37 of 2020 and W.P.S.T. 44 of 2021. In pursuance to the said direction communication was sent

to the learned advocate for the petitioners. A copy of letter dated 10th September, 2021, showing service on the learned advocate for the writ petitioners, is kept on record.

7. The petitioners are similarly circumstance as the writ petitioners of W.P.S.T. 37 of 2020 and W.P.S.T. 44 of 2021. The writ petition filed by the present writ petitioners, therefore, must meet the same fate, being a belated challenge to an order of the Tribunal, and barred by the principle and delay and latches.
8. We further take notice of the fact that despite the earlier order of this Court being communicated to the writ petitioners' counsel regarding listing of the matter, today also there is none to represent the writ petitioner, and the writ petition is, therefore, also liable to be dismissed.
9. For the reasons stated hereinabove the writ petition is dismissed.
10. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)