

21.01.2026
Item No.17
Ct. No.01
RP

WPA(P) 490 of 2025
Rashid Ali
Vs.
The State of West Bengal & Ors.

Md. Ibrahim Sk.
Mr. Habibur Rahaman
Ms. Mehabuba Rahaman
Mr. Archisman Singh
...For Petitioner

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi
...For State

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Mr. S. Chakraborty
Mr. Saikat Gayen
...For Respondent No.8

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsels.
2. In this PIL the singular relief prayed for is to issue direction to the respondent no.12 to decide the representation of the petitioner dated 15.10.2025.
3. The Court at the threshold asked the learned counsel for the petitioner as to whether there exists any enabling provision to prefer such representation and whether the State authority is under an obligation to decide the said representation. Learned counsel for the petitioner could not point out any enabling provision for preferring such representation and obligation on the part of the State authority to decide the representation.

Petitioner has not called in question the legality, validity and propriety of appointment of private respondent in this petition. In absence of showing that there exists a provision for preferring a representation and parallel obligation to decide the same, no writ of mandamus can be issued.

4. The PIL is, thus, dismissed. Liberty is reserved to challenge the appointment order of the private respondent in appropriate proceeding.

[SUJOY PAUL, CJ.]

[PARTHA SARATHI SEN, J.]