

ASR 32.  
Ct. no. 24.  
28.1.2025

**WPA 5428 of 2014**

**Dhiren Mandal**

**Vs.**

**Indian Oil Corporation & Ors.**

**Mr. Manoj Kumar Roy  
Mr. Parimal Kumar Chakraborty**

**...For the petitioner**

**Mr. Suddhasatva Banerjee  
Mr. Abhishek Kabir  
Mr. A. Chakraborty**

**....For the respondent no. 5**

**Mr. Himadri Sekhar Chakraborty  
Ms. Priyanka Chandra  
Mr. Debdas Khanna**

**...for the respondent no. 6.**

**Mr. Amit Kumar Nag  
Ms. Pritha Bhumik**

**....For the Respondent 1 & 2.**

Instant writ petition was dismissed and disposed of in a motion stage by an order of this court on 27<sup>th</sup> February, 2014. Against the order, petitioner approach before the Division Bench. During the pendency of the appeal before the Division Bench one person namely Harakrishna Sarkar was appointed as a distributor by the IOCL in respect of the impugned vacancy notification.

He made an application before the Hon'ble Division Bench for addition of parties and it was allowed.

The Division Bench have set aside the order passed by this court. Against the order of the Division Bench, IOCL as well as the private respondent namely Harakrishna Sarkar have preferred two separate SLPs before the Supreme Court. The Hon'ble Supreme Court upon hearing the parties has passed the order as follows:

***“Leave granted.***

***Application seeking deleting of Respondent No. 3 from the array of parties is allowed.***

***Cause title be amended accordingly.***

***Heard the learned solicitor General appearing for the appellants and the learned senior counsel/learned counsel appearing for the respondents at length.***

***During the course of hearing, the parties agreed that the matters can be remanded to the learned single judge of the High Court with liberty to raise all the issues, legal or factual, before the said judge.***

***Accordingly, we set aside the impugned orders passed by the Division Bench as well as the learned single judge of the High Court and***

***direct that status-quo, as on today, shall be maintained by the parties, pending further orders passed by the learned single.***

***Having regard to the facts and circumstances of this case, we request the learned single judge of the High court to pass appropriate order expeditiously and in accordance with law without being influenced by any observation made by the said court.***

***The Civil Appeals are disposed of in the afore-stated terms.”***

In terms of the direction of the Hon'ble Apex court, this matter is remanded back to this court for re-hearing the matter.

It appears that the added respondent namely Harakrishna Sarkar was not named as a respondent in the instant proceeding. Accordingly, the petitioner is directed to amend the cause title of the writ petition by adding the name of the respondent, Harakrishna Sarkar as the respondent no. 3 (as the respondent no. 3, Union of India has already been deleted by the order of the Hon'ble Apex court) of this matter.

Petitioner intends to use supplementary affidavit in support of the writ petition.

Let the affidavit be filed by the petitioner, which must be within ambit and the scope of the writ petition,

within two weeks from date. Reply, if any, by the respondent within two weeks from date thereafter.

Let the matter appear in the monthly list of March under the same heading.

**[Subhendu Samanta, J]**