

Sl.17
22.04.2025
Court No.6
BP

C.O. 1258 of 2025

Surajit Lahiri
-versus-
The President, Governing Body,
JIS College of Engineering & Ors.

Mr. Surajit Lahiri
.. the petitioner (in person)

Mr. Arijit Sarkar
Ms. Prajjaini Das
..for the Opposite Party no.3

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 50 dated 27th February, 2025 passed by the learned 3rd Civil Judge (Senior Division) at Barasat, North 24 Parganas in Title Suit No. 1007 of 2017.

The petitioner herein filed a suit for declaration that the suspension order dated September 26, 2016 and the order of dismissal dated March 11, 2017 are unlawful, invalid and inoperative and are liable to be set aside and quashed and for a mandatory injunction commanding the defendants/opposite parties herein to set aside, quash, withdraw, rescind and cancel the suspension order and the order of dismissal.

The petitioner herein filed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure

praying for an order of injunction restraining the opposite parties herein from withholding and discontinuing the payment of subsistence allowance to the petitioner with effect from the date of suspension till the disposal of the suit. Such application was disposed of by an order dated November 30, 2022. Thereafter, the petitioner has filed the application captioned as one under Section 151 of the Code of Civil Procedure praying for an order of stay of the order of dismissal from service dated March 11, 2017 and to pass a consequential order directing release of monthly subsistence allowance with effect from March 11, 2017.

The petitioner appearing in person seeks to place decisions of various High Courts as well as the Hon'ble Supreme Court in support of his contention that an application under Section 151 of the Code of Civil Procedure is maintainable.

The learned advocate appearing for the opposite parties raises an objection as to the maintainability of the civil revisional application.

Upon considering the reliefs claimed in the plaint and the nature of reliefs claimed in the interlocutory application, this Court is of the considered view that the relief sought for in the application under Section 151 of the Code of Civil Procedure if granted, would amount to granting the final relief at the stage of admission.

For such reason, this Court is not inclined to pass any interim order at this stage. The issue of

maintainability of the civil revisional application is, however, kept open.

List this matter under the heading “Contested Application” in the Monthly List of May, 2025.

(Hiranmay Bhattacharyya, J.)