

15 **15.07.**
2026

Ct. No. 18

Ab

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14872 of 2026

Arindam Majumdar and others
Vs.
The State of West Bengal and others.

Mr. Md. T.M. Siddiqui,
Mr. Gazi Faruque Hossain,
Mrs. Varsha Roy.

... for the petitioners.

Mr. Piyush Chaturvedi,
Ms. Amrita Pandey,
Ms. Ayushi Mishra.

... for the State.

1. The affidavit of service filed today is taken on record.
2. The petitioners are aggrieved by the acts of commission and/or omission of the Government of West Bengal. The grievances raised in this writ petition are also the subject matter before the West Bengal State Administrative Tribunal, which is presently without any coram.
3. On prior occasion, the instant grievances had been carried to this Hon'ble Court by way of WP.ST 187 of 2023.
4. While disposing of the said writ petition, the Hon'ble Division Bench of this Hon'ble Court had made the following observations:

"The nature of relief is merely consequential and no irreparable injury is involved. Mere pendency of the matter before a Tribunal for some time, ipse facto cannot be a ground for the High Court to take up the matters pending before the Tribunal. The decisions of the Apex Court in the

case of L. Chandra Kumar Vs. Union of India & Ors., reported in (1997) 3 SCC 261 and Rajeev Kumar Vs. Hemraj Singh Chauhan, reported in (2010) 4 SCC 554 is clear in this regard, that the Tribunal is the Court of first instance. We, therefore, are not inclined to interfere in the matter for the present.”

5. The situation has now been further aggravated due to the said Tribunal being without a coram for almost ten months now.
6. Another Division Bench of this Hon’ble Court in WP.ST 209 of 2025 with WP.ST 210 of 2025 (Anindya Sundar Das vs. State of West Bengal & Ors.) decided on May 21, 2026 has opined that

*“We, therefore, overrule the objection on the point of maintainability raised by the Learned State Advocate. We are, therefore, of the considered view that having regard to a decision of the Apex Court in the case **Roger Mathew** (supra) the petitioner cannot be left remediless and is entitled to consideration of the matter on merits. In the present case an order dated 09.07.2025, passed by the Tribunal could not be put to challenge before a learned Single-Judge Bench.”*

7. Mr. Siddiqui, learned Senior Advocate appearing for the petitioners, in the circumstances afore-stated prays for an adjournment for some time to enable him to approach the Hon’ble Division Bench of this Hon’ble Court to seek clarifications in respect of the issue pertaining to the invocation of the jurisdiction of this Hon’ble Court under Article 226 of the Constitution of India in this matter i.e. WPA 14872 of 2026.

8. The parties are at liberty to mention the matter upon receiving the clarifications from the Hon'ble Division Bench.

(Reetobroto Kumar Mitra, J.)