

S/L 4
19.08.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
WPA 15396 of 2025
CAN 1 of 2025

Dr. Srabanti Bhattacharya
Vs.
The State of West Bengal & Ors.

*Mr. Subir Sanyal, Sr. Adv.,
Mr. Amiya Kumar Dutta,
Mr. Swadesh Priya Ghosh,
Mr. Soumen Dutta*
...for the Petitioner.

*Mr. Kishore Datta, Ld. Advocate General,
Mr. Swapan Banerjee, Ld. AGP,
Ms. Sumita Shaw,
Mr. Soumen Chatterjee*
...for the State.

*Mr. Nilotpal Chatterjee,
Mr. Satyaki Banerjee*
...for the Calcutta University.

*Mr. Biswaroop Bhattacharyya,
Mr. Subhrangsu Panda,
Mrs. Ina Bhattacharyya,
Mrs. Mithu Singha Mahapatra*
...for the respondent nos. 7 to 10.

*Mr. Sabyasachi Chatterjee,
Mr. Badrul Karim*
...for the applicants in CAN 1 of 2025.

After the order is dictated in Court on the point of the prayer of the petitioner for an interim protection, the learned Advocate General raises an objection to the said order on the ground that he has not yet concluded his argument and prays release of the matter.

This Court suggests that the learned Advocate General, if wants to make further submission, he may do so as the order though has been dictated but has not yet been signed but the learned Advocate General refuses to avail the said opportunity, instead keeps on insisting release of the matter as according to him, this Court has already formed its opinion.

This is an unfortunate state of affairs. From the record, it would appear that the hearing of the writ petition on the point of grant of an interim order had commenced on August 06, 2025. The learned Senior advocate for the petitioner had argued but could not conclude it as adjournment was sought for on behalf of the State, such prayer was allowed fixing August 07, 2025 as the next date for hearing. On the said date also, adjournment was sought for on behalf of the State. The prayer was allowed for the ends of justice as a last chance fixing August 11, 2025 as the next date for hearing.

On August 11, 2025, learned senior advocate for the petitioner had concluded his argument, thereafter the Learned Advocate General and the learned advocate for the respondent nos. 7 to 10 had argued extensively. This Court on the said date, in presence of the learned advocate for all the parties, had directed the matter to be listed **today** (August 19, 2025) under the heading '**For Orders**' to which none had raised any objection.

Be that as it may, this is an embarrassing situation deeply affecting the dignity of this Court, nonetheless, when a party fails to repose confidence on this Court, it is better to release the matter as '*Justice must not only be done, but must also be seen to be done*' as observed by **Lord Hewart** in the case of *Rex v. Sussex Justices* reported in **[1924] 1 KB 256**.

Accordingly, the matter is released from my list and be placed before the Hon'ble the Chief Justice for appropriate order.

The order dictated today in Court need not be transcribed.

Parties to act on the server copy of this order duly downloaded from the official website of the Court.

Urgent Photostat Certified copies of this order, if applied for, be supplied to the parties, upon compliance with all requisite formalities.

(Biswajit Basu, J.)