

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)

Case No – OA 580 OF 2018

SMARAJIT CHOWDHURY & 6 ORS. Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>3</p> <hr/> <p>02.08.2018</p>	<p>For the Applicant : Mr. Indranil Roy Mr. Kartik Kumar Ray Advocate</p> <p>For the Respondents: Mr. G.P. Banerjee Advocate</p> <p>Affidavit of service filed be kept on record. Heard Mr. I. Roy, learned advocate for the applicant and Mr. G.P. Banerjee, learned advocate for the State respondents. Let reply to the application be filed by 4th September, 2018. Rejoinder, if any, by 25th September, 2018. Let the matter appear under the heading “Reply / Rejoinder / Objection” on 4th October, 2018.</p> <p>So far as the prayer for interim order is concerned, it is submitted by Mr. Roy that the issue is covered by the principles of law laid down in the judgement dated 11th June, 2018 passed in O.A. 260 of 2018 (Soumya Kundu & 43 Ors. vs. State of West Bengal & Ors.). Challenging the said order, though a writ petition has been filed before the Hon'ble High Court by the State authority, there is no stay of the said order. The matter is fixed on 9th August, 2018 before the Hon'ble High Court.</p>	

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SCN.	<p>Submission is since classes have begun in the month of May, 2018, direction may be issued permitting the applicants to join classes. If interim order is not granted, the applicant will lose attendance as well as one academic year which cannot be compensated in any manner whatsoever.</p> <p>Opposing the prayer for interim order, Mr. Banerjee submits that since there is no sponsorship and as Trainee Reserve quota has not been declared, no interim order may be passed.</p> <p>So far as the prayer for the grant of interim order is concerned, since classes have commenced from the month of May, 2018 and if the applicants do not attend classes, they run the risk of losing attendance as well as one academic year, the applicants are at liberty to attend the classes without prejudice to the rights and contentions of the parties. Any action taken shall abide by the result of the original application.</p> <p>Urgent photostat certified copy of this order, if applied for, be furnished to the parties on priority basis.</p>	
	<p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	