

WP(C) 7891/2005

BEFORE

HON'BLE THE CHIEF JUSTICE MR J CHELAMESWAR

HON'BLE MR JUSTICE HRISHIKESH ROY

When this matter is taken up it is brought to our notice that all the contesting respondents (except respondents Nos.41, 42 and 43) are represented by Mr MK Choudhury, learned senior counsel and we also noticed that the above mentioned three respondents have not been put on notice of the pendency of this writ petition. In the circumstances we deem it appropriate to defer the hearing of this matter

The petitioner is directed to take appropriate steps for causing service of notice on the above mentioned three respondents.

List this matter after two weeks.

This court while admitting the matter on 21-11-05 by ordering notice to the respondents directed that the promotion and appointment made pursuant to the impugned order dated 7-10-05 shall remain suspended and the promoted persons shall not be allowed to function in the said capacity.

In view of the fact that insofar as the present writ petition is concerned there is only one petitioner who is aggrieved by the promotion and appointment of the respondents Nos.43 and 44 of which respondent No.43 is said to be inferior on merit, as assessed by the committee for the purpose of promotion and the case of the respondent No.44 was not even considered by the said committee. A further averment is made that the petitioner as well as the above mentioned two respondents belong to the same class (STH). If these allegations of the petitioner remain un rebutted, the petitioner might be entitled for the relief, that is, promotion and appointment, in which case there is only one slot that is required to be protected for the purpose of the petitioner and we do not see any reason to continue the blanket interim order referred to earlier.

The interim order is, therefore, modified and shall be operative only insofar as the respondent No.43 Sri Mukut Terang and respondent No.44 Shri Dhiren Bey are concerned.