17.09.2026
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RVW 50 of 2026
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IA No.: CAN 1 of 2026
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IA No.: CAN 2 of 2026
Jnan Bhushan Majhi
- Versus -
The State of West Bengal & Others

Mr. Partha Sarathi Bhattacharyya,
Mr. Sougata Mitra,
Mr. Nikhil Kr. Gupta,
Ms. Soma Chakraborty
... for the Applicant.

Mr. Sahasrangshu Bhattacharjee,
Mr. Suchindram Bhattacharjee
... for the State/Respondents.

Aggrieved by the order dated 10th November, 2025 passed in MAT 1040 of 2023, the writ petitioner/applicant herein has preferred the present review application being RVW 50 of 2026 along with an application for appropriate order being CAN 1 of 2026. By the order dated 10th November, 2025, the appeal and its connected application were dismissed as *'not pressed'*.

As there was a delay in preferring the review application, the applicant also preferred an application for condonation of delay being CAN 2 of 2026 stating *inter alia* that the applicant initially engaged one, Mr. Tarapada Das, learned advocate with instruction to represent him in the appeal. However, subsequently, he obtained *'No Objection'* from Mr. Tarapada Das and engaged Mr. Sougata Mitra, learned advocate, who in turn filed the vakalatnama on 19th

January, 2024. Subsequently, from the official *website* of this Hon'ble Court, the applicant came to learn that the appeal has been dismissed as *'not pressed'* on 10th November, 2025 and immediately thereafter he applied for certified copy of the said order on 25th February, 2026 and approached Mr. Mitra to take necessary steps and accordingly, thereafter the review petition was filed.

Considering the explanation given towards the delay in preferring the review petition and as we have invited the parties to advance their arguments on merits, we condone the delay and dispose of the application for condonation of delay, being IA No.: CAN 2 of 2026.

Drawing our attention to the document, annexed at page 13 of the application, being IA No.: CAN 1 of 2026, filed in connection with the review petition, Mr. Bhattacharyya, learned senior advocate appearing for the applicant submits that upon obtaining *'No Objection'* from Mr. Tarapada Das, the applicant engaged Mr. Sougata Mitra, learned advocate, who in turn filed the vakalatnama in the department on 19th January, 2024 and as such, Mr. Tarapada Das had no authority to represent the applicant in the appeal when the same was taken up for hearing on 10th November, 2025.

He further submits that the applicant lost his opportunity to ventilate his grievances in the appeal and to pray for a hearing on merits as his learned advocate from whom *'No Objection'* was obtained prior to 10th November,

2025, appeared and submitted that he had been instructed by the applicant to submit that he does not want to proceed with the appeal though no such instruction was furnished by the applicant and no such written instruction was also placed before the Court on 10th November, 2025. As a consequence thereof, the applicant had been the worst sufferer and in the said conspectus, the order needs to be set aside with a direction towards hearing of the appeal on merits, moreso when the matter relates to grant of pensionary benefits.

Mr. Bhattacharjee, learned Additional Government Pleader appearing for the State/respondents has left the issue to the discretion of the Court.

It appears from the records that on 10th November, 2025 Mr. Tarapada Das had no authority to represent the appellant since Mr. Sougata Mitra, learned advocate was engaged as his new learned advocate after obtaining *'No Objection'* from Mr. Tarapada Das and Mr. Mitra filed such vakalatnama in the department on 19th January, 2024, i.e., prior to dismissal of the appeal on 10th November, 2025.

The words *'any other sufficient cause'* means a reason sufficient on grounds analogous to mistake or error apparent on the face of records and include misconception of fact or law by the Hon'ble Court or even the learned advocate.

Applying such proposition of law to the facts of the case, we allow the application from review and set aside the order

dated 10th November, 2025. The appeal and the connected application for stay are restored to their respective original file and number.

The review petition being RVW 50 of 2026 and the application being CAN 1 of 2026 are, accordingly, disposed of with liberty to mention the appeal before the appropriate Court with due notice to the respondents.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Partha Sarathi Chatterjee, J.) **(Tapabrata Chakraborty, J.)**