

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

F.M.A. 965 of 2025

Shri Bidananda Mandal

Vs.

Union of India & Ors.

Present:

The Hon'ble **Justice Madhuresh Prasad**

And

The Hon'ble **Justice Prasenjit Biswas**

Mr. K. B. S. Mahapatra,

Mr. Panchanan Let,

Mr. Aditya Shit

... for the Appellant.

Mr. Swatarup Banerjee,

Mr. Tapan Bhanja,

Mr. Gourab Karmakar

... for the Union of India.

Judgment on : 17.07.2026

Prasenjit Biswas, J:-

1. Heard the learned advocate appearing on behalf of the writ petitioner/appellant and the learned advocate representing the respondent/Union of India.
2. The present intra-Court appeal is directed against the judgment and order dated 18th November, 2019 passed by the learned Single Judge whereby the writ petition preferred by the appellant came to be dismissed.
3. The facts giving rise to the present appeal, in brief, are that the writ petitioner, while serving as a member of the Border Security Force, was proceeded against departmentally on the basis of a charge-sheet dated 03.10.2008 containing nine distinct articles of charge alleging various acts of misconduct and indiscipline in the Summary Security Force Court (SSFC). The Commandant, by an order dated 08.10.2008, returned findings holding all the charges proved against the petitioner and imposed the punishment of dismissal from service as prescribed under the relevant provisions governing the Force.
4. Aggrieved by the findings and punishment imposed in the SSFC, the petitioner preferred a statutory appeal/petition before the competent higher authority. The said appeal/petition was considered and ultimately disposed of by

an order dated 30.06.2009, whereby the competent authority rejected the contentions advanced by the petitioner and affirmed the findings recorded by the Commandant in the SSFC proceedings.

5. Questioning the legality and validity of the aforesaid disciplinary proceedings as well as the appellate order, the petitioner invoked the writ jurisdiction of this Court. The learned Single Judge, upon an elaborate consideration of the pleadings, the records of the disciplinary proceeding and the submissions advanced by the parties, declined to interfere with the orders passed by the disciplinary authority and dismissed the writ petition by judgment and order dated 18.11.2019. It is the correctness of the said judgment which falls for consideration before us in the present intra-Court appeal.

6. It appears there from that the learned Single Judge has accorded due consideration to the various allegations advanced by the petitioner regarding the alleged procedural irregularities said to have vitiated the disciplinary proceeding. The learned Single Judge scrutinized the records of the SSFC and found that the petitioner had been afforded adequate opportunity to defend himself throughout the proceeding. It has specifically been noticed that although sufficient

opportunity was granted to the petitioner to examine witnesses in his defence, he consciously chose not to adduce any evidence on his behalf. At the same time, the petitioner fully availed himself of the opportunity to cross-examine the prosecution witnesses produced before the SSFC. It was further noticed that the petitioner never sought production of any additional document nor did he complain during the course of the proceeding that any relevant document had been withheld from him. Upon consideration of these aspects, the learned Single Judge arrived at the conclusion that the disciplinary proceeding was conducted in accordance with the prescribed procedure and that no procedural infirmity or violation of the principles of natural justice had been established.

7. Before us, significantly, no serious challenge has been advanced to the findings of the learned Single Judge insofar as the procedural aspects of the disciplinary proceeding are concerned. The learned advocate appearing for the appellant has not pointed out any specific procedural lapse committed during the conduct of the SSFC nor has he demonstrated any violation of the safeguards available to the petitioner during the enquiry. The principal thrust of the submissions before us is confined to the contention that the disciplinary proceeding

itself stood vitiated on account of bias on the part of the Commandant and that the conduct of the SSFC was contrary to Rule 46 of the Border Security Force Rules, 1969 (hereinafter referred to as "the 1969 Rules").

8. Developing the aforesaid submission, the learned advocate for the appellant contended that the factual background preceding the issuance of the charge-sheet dated 03.10.2008 unmistakably establishes the Commandant had already formed an adverse opinion against the petitioner much prior to the initiation of the present disciplinary proceeding. Therefore, the Commandant was disqualified from acting either as the disciplinary authority or from conducting the SSFC.

9. It is submitted that on an earlier occasion the very same Commandant had proceeded against the petitioner in another disciplinary proceeding arising out of an incident which culminated in the petitioner being awarded twenty-eight days' rigorous imprisonment. Subsequently, upon the petitioner approaching the higher authorities and making complaints alleging that the Commandant was acting with prejudice and had become personally biased against him, the punishment imposed in the earlier proceeding was interfered with and reduced by the competent headquarters authority. According

to the learned advocate, the interference by the superior authority itself lends credence to the petitioner's grievance that the Commandant had developed a predisposition against him.

10. The learned advocate further submits that the allegation of bias cannot be viewed in isolation with reference only to the earlier disciplinary proceeding. He draws our attention to several other incidents pleaded in the writ petition to demonstrate a continuing course of conduct on the part of the Commandant. It is alleged that the Commandant had caused an unwarranted search of the petitioner's personal belongings without any justifiable basis. It is further alleged that the petitioner's original educational testimonials and other documents were taken away from his possession and were subsequently destroyed or rendered unavailable, thereby causing serious prejudice to him. According to the appellant, these incidents were not isolated occurrences but constituted a series of acts demonstrating personal hostility and animosity on the part of the Commandant.

11. On the basis of the aforesaid circumstances, it is argued that the cumulative effect of the events preceding the disciplinary proceeding was sufficient to create, in the mind of a reasonable person, a genuine and bona fide apprehension

that the petitioner would not receive an impartial and fair adjudication at the hands of the Commandant. The learned advocate submits that the test is not whether actual bias has been conclusively established but whether the facts placed on record are sufficient to give rise to a reasonable likelihood or reasonable apprehension of bias. According to him, the circumstances pleaded by the petitioner satisfy this well-recognised test.

12. In support of the aforesaid proposition, reliance has been placed upon the decision of the Hon'ble Supreme Court in **Union of India and Another vs. Charanjit S. Gill and Others**, reported in **(2000) 5 SCC 742**, wherein the importance of fairness and impartiality in disciplinary proceedings involving members of the armed forces has been emphasised. Reliance has also been placed upon the judgment of the Hon'ble Supreme Court in **Mohd. Yunus Khan vs. State of Uttar Pradesh and Others**, reported in **(2010) 10 SCC 539**, wherein the principles governing allegations of mala fide and bias in disciplinary proceedings have been discussed. Further reliance has been placed upon the judgment of the Division Bench of the Delhi High Court in **Ex. Ct. Raj Kumar vs. Union of India (LPA No. 409 of 2004)**.

13. Placing reliance upon the aforesaid authorities, the learned advocate contends that the legal position is no longer res integra. According to him, once the facts pleaded disclose a tangible and reasonable apprehension of bias or mala fide, the disciplinary authority against whom such apprehension exists ought not to continue with the disciplinary proceeding. The object of the rule, according to the learned advocate, is not merely to prevent actual bias but equally to ensure that justice appears to have been done and that the confidence of the delinquent employee in the fairness of the disciplinary process is not undermined.
14. The learned advocate has further laid considerable emphasis upon Rule 46 of the Border Security Force Rules, 1969. Referring particularly to sub-rule (3) thereof, it is contended that the Rule creates a clear statutory embargo prohibiting an officer from trying or conducting proceedings in circumstances where there exists a personal interest or where the officer may reasonably be perceived to be biased. It is submitted that the earlier conduct of the Commandant, coupled with the incidents specifically pleaded by the petitioner, clearly brings the present case within the mischief sought to be prevented by Rule 46. Consequently, according to the appellant, the Commandant lacked the competence to issue the charge-

sheet, convene the SSFC and adjudicate upon the charges levelled against the petitioner. The entire proceeding, therefore, according to the learned advocate, stands vitiated being contrary both to the statutory mandate contained in Rule 46 of the 1969 Rules and the settled principles of natural justice governing disciplinary proceedings.

15. Per contra, the learned advocate appearing on behalf of the respondent/Union of India has stoutly opposed the submissions advanced on behalf of the writ petitioner/appellant and has supported the judgment and order passed by the learned Single Bench. He submits that the findings recorded in the disciplinary proceeding as well as the judgment under appeal do not warrant any interference by this Court in exercise of its appellate jurisdiction.
16. At the outset, the learned Advocate has drawn our attention to the averments made in the affidavit-in-opposition filed before the learned Writ Court, wherein each of the allegations leveled by the petitioner had been specifically traversed and denied. He has also taken us through the order passed by the Deputy Inspector General (DIG) while disposing of the petition preferred by the petitioner against the findings recorded by the SSFC. Particular emphasis has been laid on the detailed remarks recorded by the Deputy Inspector

General while examining the allegations of mala fide and bias leveled by the petitioner against the Commandant.

17. Referring to the aforesaid materials, the learned advocate submits that a plain and meaningful reading thereof unmistakably demonstrates the bona-fide conduct of the Commandant throughout the relevant period. According to him, the records completely belie the allegation that the Commandant had acted with any personal animosity or predetermined hostility towards the petitioner.
18. Elaborating his submissions, the learned advocate points out that during the intervening night of 05/06 July, 2007, an incident of firing by the petitioner at a border post had taken place. In consequence thereof, disciplinary proceedings were initiated and the petitioner was awarded a punishment of twenty-eight days' rigorous imprisonment. It is submitted that the punishment was not imposed arbitrarily or at the whims of the Commandant but was preceded by a discreet verification of the incident and was based upon the materials then available before the competent authority.
19. The learned advocate further submits that the conduct of the Commandant subsequent to the aforesaid disciplinary proceeding completely demolishes the allegation of bias now sought to be projected by the petitioner. He points out that

when the petitioner challenged the said punishment before the higher authorities, the very same Commandant, against whom allegations of bias are now leveled, submitted a detailed factual report concerning the incident. The said report was duly considered by the Deputy Inspector General while examining the petition preferred by the petitioner. The remarks of the Deputy Inspector General clearly reveal that upon consideration of the factual report submitted by the Commandant together with the other materials available on record, the higher authority ultimately interfered with and set aside the punishment earlier awarded to the petitioner.

20. According to the learned advocate, had the Commandant been actuated by personal prejudice or motivated by any hostility towards the petitioner, he would hardly have furnished a fair and comprehensive report enabling the superior authority to objectively reconsider the earlier punishment. On the contrary, the conduct of the Commandant in placing all relevant facts before the higher authority demonstrates that he discharged his official responsibilities in an impartial and objective manner without being influenced by any personal consideration. The Commandant was merely performing his statutory and administrative duties expected of him as the commanding

officer of a disciplined force. The mere circumstance that the petitioner happened to be the accused in the earlier Court Martial proceeding or in the subsequent disciplinary proceeding does not, by itself, establish that the Commandant had any personal interest in the outcome of the proceedings or had ceased to act fairly in discharge of his official obligations.

21. The learned advocate further submits that the allegations regarding mala-fide and bias were not accepted at face value by the authorities but were subjected to independent scrutiny by the Deputy Inspector General. He has invited our attention to the remarks recorded by the Deputy Inspector General wherein every allegation raised by the petitioner against the Commandant was specifically examined. Upon such examination, the competent authority found that none of the allegations was supported by any contemporaneous document, independent material or acceptable evidence. The allegations were found to be vague, unsubstantiated and devoid of any factual basis.

22. According to the learned advocate, the Deputy Inspector General has rightly concluded that the allegations of mala fide were raised only as an attempt to create an artificial impression of bias against the Commandant so as to

invalidate the disciplinary proceedings. It is submitted that the petitioner failed to produce any material whatsoever to substantiate his allegations regarding the alleged search of his belongings, destruction of testimonials or any other act suggestive of personal hostility on the part of the Commandant.

23. The learned advocate has also referred to the petitioner's service record to contend that the authorities had consistently taken note of repeated instances of indiscipline and insubordination committed by the petitioner during his comparatively short tenure of service of about six years. It is submitted that the repeated disciplinary proceedings initiated against the petitioner were not reflective of any personal vendetta but were necessitated solely by the petitioner's own conduct. A commanding officer entrusted with the responsibility of maintaining discipline within the Force cannot be accused of bias merely because disciplinary action had to be initiated against the same individual on more than one occasion.

24. It is further contended that the petitioner has failed to lay even the minimum factual foundation necessary for raising a plea of reasonable apprehension of bias. Neither before the disciplinary authority nor before the learned Writ Court has

the petitioner been able to point out any objective circumstance from which a reasonable person could infer that the Commandant had become incapable of acting fairly. The learned advocate submits that the settled legal position requires something more than mere suspicion or dissatisfaction with previous disciplinary action. The fact that the Commandant had earlier passed an order of punishment against the petitioner, while discharging his statutory functions, is wholly insufficient to infer either actual bias or a reasonable likelihood of bias.

25. The learned advocate has further submitted that an important circumstance which completely undermines the petitioner's case is that no objection whatsoever was raised by the petitioner during the conduct of the SSFC. At no stage of the proceedings did the petitioner seek recusal of the Commandant or request that the matter be placed before any other competent authority. The petitioner participated in the proceedings without demur and accepted the jurisdiction of the Commandant throughout. It is only after an adverse finding came to be recorded that the plea of bias has been raised. Such conduct, according to the learned advocate, unmistakably demonstrates that the plea is a clear

afterthought devised solely to avoid the consequences of the findings recorded in the disciplinary proceeding.

26. The learned advocate has also placed reliance upon the proviso to Rule 46 of the Border Security Force Rules, 1969. According to him, a plain reading of the statutory provision makes it abundantly clear that there existed no legal embargo or statutory disqualification preventing the Commandant from initiating disciplinary proceedings or conducting the SSFC in the facts and circumstances of the present case. It is submitted that Rule 46 cannot be interpreted so broadly as to disqualify a Commandant merely because he had previously exercised disciplinary jurisdiction against the same member of the Force. Unless circumstances exist which objectively establish personal interest or a real likelihood of bias, the statutory authority remains fully competent to discharge the functions entrusted to him under the Rules.

27. In support of the aforesaid submissions, the learned advocate has relied upon an unreported judgment of a Coordinate Bench of this Court in **Union of India & Others vs. Ashok Kumar Som (M.A.T. No. 932 of 2023)**, wherein, according to him, the Coordinate Bench has reiterated that previous official dealings or disciplinary action against a delinquent employee cannot, in the absence of cogent material, furnish a

valid basis for alleging bias or disqualifying the competent disciplinary authority from exercising jurisdiction.

28. Lastly, the learned advocate submits that the very manner in which the plea of mala fide has been raised disentitles the petitioner from any relief. It is argued that the petitioner has leveled serious allegations of personal mala-fide and bias against the Commandant without even impleading him as a party respondent in the writ proceedings. It is a settled principle of law that whenever mala-fide is alleged against a public officer personally, such officer must ordinarily be impleaded by name so as to afford him an effective opportunity to answer the allegations made against him. In the absence of the person against whom such allegations are directed, the Court cannot properly adjudicate upon the issue of mala-fide. The learned advocate, therefore, submits that the learned Single Bench was fully justified in declining to entertain the allegations of bias and mala-fide in the absence of the Commandant being impleaded as a party to the proceedings.

29. On the aforesaid grounds, it is contended that the appeal is wholly devoid of merit and deserves to be dismissed with affirmation of the judgment and order passed by the learned Single Bench.

30. The principal contention advanced on behalf of the appellant is that the disciplinary proceeding culminating in the SSFC was vitiated on account of bias and mala fide on the part of the Commandant, who convened and conducted the proceedings. It is urged that the Commandant had earlier dealt with the petitioner in another disciplinary matter and, therefore, there existed a reasonable likelihood of bias rendering the entire proceeding unsustainable.
31. The plea of bias, though an integral facet of the principles of natural justice, cannot be permitted to rest upon mere conjectures, surmises, vague suspicions or bald and unsubstantiated allegations. It is a settled proposition of law that every allegation of bias must be supported by a sound factual foundation. The burden lies upon the person alleging bias to place before the Court cogent and convincing materials demonstrating either actual bias or the existence of circumstances from which a reasonable, fair-minded and informed person would entertain a genuine apprehension that the authority concerned may not act impartially or that justice may not only be done but also appear to have been done.
32. The test is not one of the subjective perception or personal apprehension of the delinquent employee. The apprehension must be objectively reasonable and founded upon tangible

facts capable of leading a prudent person to conclude that there exists a real likelihood of bias. Mere assertions, unsupported by contemporaneous records or acceptable evidence, are wholly insufficient to disqualify a statutory authority from discharging the functions entrusted to it under law.

33. Equally well settled is the principle that an adverse order passed against a delinquent employee in an earlier proceeding, or the mere fact that the disciplinary authority had previously exercised jurisdiction over the employee in the discharge of his official duties, does not, by itself, establish either actual bias or a reasonable likelihood thereof. If such a proposition were to be accepted, every disciplinary authority who had occasion to deal with an employee in the course of official functions would stand automatically disqualified from initiating or conducting any subsequent disciplinary proceeding against the same employee. Such an interpretation would not only be contrary to settled legal principles but would also seriously impede the effective administration of disciplinary control, particularly in disciplined forces where commanding officers are statutorily entrusted with the responsibility of maintaining discipline and enforcing the provisions of the governing law.

34. Therefore, unless the materials on record disclose circumstances giving rise to a real and reasonable apprehension of bias, founded upon objective facts and not merely on the subjective belief of the person proceeded against, the disciplinary proceedings cannot be invalidated on the ground of bias alone.
35. In the present case, the learned advocate appearing for the Union of India has taken us through the affidavit-in-opposition filed before the learned Single Bench, the order passed by the Deputy Inspector General on the petition preferred by the writ petitioner against the findings of the SSFC, as well as the detailed remarks recorded by the Deputy Inspector General while dealing with the allegations of mala fide and bias leveled against the Commandant.
36. The principal circumstance relied upon by the writ petitioner is that during the intervening night of 05/06 July, 2007, the petitioner was proceeded against for an incident involving firing at a border post, for which he was awarded twenty-eight days' rigorous imprisonment. According to the petitioner, since the Commandant had dealt with that earlier proceeding, he became biased against the petitioner and was consequently disqualified from conducting the subsequent SSFC proceedings.

37. The documents placed before us reveal that although the punishment in the earlier proceeding had initially been imposed upon a discreet verification of the incident, when the petitioner subsequently approached the higher authorities challenging the said punishment, the very same Commandant against whom allegations of bias are now leveled submitted a comprehensive factual report to the superior authority. The Deputy Inspector General, upon considering such report and the materials on record, ultimately set aside the punishment awarded to the petitioner.
38. Had the Commandant been actuated by any personal animosity or predetermined hostility against the petitioner, there was no conceivable reason for him to furnish a report objectively placing all relevant facts before the superior authority, knowing fully well that such report might ultimately result in the punishment being interfered with in favour of the petitioner. On the contrary, the conduct of the Commandant demonstrates fairness in placing the factual position before the competent authority without attempting to sustain the earlier punishment at all costs. Far from supporting the allegation of bias, the said circumstance substantially demolishes the very foundation upon which such allegation rests.

39. The Deputy Inspector General has also examined the other allegations of mala fide and bias raised by the petitioner against the Commandant. The remarks recorded by the superior authority disclose that each of those allegations was independently examined and none was found to be substantiated by any contemporaneous record or acceptable evidence. The allegations were found to be vague, unsupported and bereft of particulars. We find no material before us to take a different view from the conclusions so arrived at by the superior authority.
40. The record further indicates that during a relatively short span of service, the petitioner had repeatedly been found involved in acts of indiscipline and insubordination. The disciplinary actions initiated against him, therefore, cannot by themselves be characterised as evidence of personal hostility. A disciplinary authority discharging statutory functions in dealing with repeated acts of misconduct cannot be presumed to be biased merely because disciplinary proceedings were initiated on more than one occasion. Acceptance of such a proposition would virtually incapacitate every commanding officer from exercising disciplinary jurisdiction over a member of the Force merely because previous disciplinary action had

been taken against him. Such an interpretation would defeat the very object of maintaining discipline in a disciplined force.

41. Equally significant is the fact that the petitioner never raised any objection regarding the alleged bias of the Commandant at the time when the SSFC proceedings were actually conducted. No request appears to have been made seeking recusal of the Commandant or transfer of the proceedings to any other competent authority. The petitioner fully participated in the proceedings without protest and accepted the jurisdiction of the Commandant throughout. It is only after an adverse finding was returned that the plea of bias came to be projected. Such conduct considerably weakens the credibility of the allegation and lends support to the submission advanced on behalf of the respondent that the plea is nothing but an afterthought devised to overcome the adverse findings recorded in the disciplinary proceeding.

42. The proviso to Rule 46 of the Border Security Force Rules, 1969, also does not create any absolute prohibition preventing the Commandant from exercising jurisdiction merely because he had previously dealt with the delinquent in another matter. Unless circumstances exist which reasonably establish a real likelihood of bias, the statutory authority cannot be said to be disqualified from performing the duties

entrusted to him under the Rules. No such exceptional circumstance has been established in the facts of the present case.

43. We also find merit in the objection raised on behalf of the Union of India that serious allegations of mala-fide have been leveled against the Commandant without even impleading him by name as a party respondent. It is a settled principle that where mala-fides are specifically alleged against a public officer, such officer should ordinarily be impleaded so as to afford him an opportunity to meet the allegations personally. In the absence of the concerned officer as a party, the allegations remain unilateral assertions incapable of proper adjudication. The fact that the writ petitioner chose not to implead the Commandant despite attributing personal mala-fides to him, leads to an inference that the allegations necessarily lose much of their legal efficacy and cannot constitute a valid basis for invalidating the disciplinary proceedings.
44. The reliance placed by the appellant on decision of the Hon'ble Supreme Court of India in the case of **Charanjit S. Gill & Ors.** (*supra*) does not lend support to the case made out by the applicant/writ petitioner. In **Charanjit S. Gill & Ors.** (*supra*) the Apex Court considered the competence

desirability of appointing a judge advocate in a General Court Martial who was an officer of a rank lower than the officer facing the trial. Such appointment was done without any consideration of the need for making such an appointment. The Apex Court therefore, upheld the High Court's view in the following terms:

"In other words a Judge Advocate appointed with the Court Martial should not be an officer of a rank lower than that of the officer facing the trial unless the officer of such rank is not (having due regard to the exigencies of public service) available and the opinion regarding non-availability is specifically recorded in the convening order. As in the instant case, the Judge Advocate was lower in rank to the accused officer and no satisfaction/opinion in terms of sub-rule (2) of Rule 40 was recorded, the Division Bench of the High Court was justified in passing the impugned judgment, giving the authorities liberty to initiate fresh court martial proceedings, if any, if they are so advised in accordance with law and also in the light of the judgment delivered by the High Court."

45. No such facts arise for consideration in the present case, as is evident from our consideration above. The judgment in the case of **Charanjit S. Gill & Ors.** (supra) therefore, in our opinion has no application to the facts and circumstances of the present case. Insofar as judgement in the case of **Mohd. Yunus Khan** (supra) we find that in the said case the Battalion Commandant had appeared as a witness and proved the disobedience of office orders of imposition of punishment. After appearing as a witness in the enquiry, he also passed the order of punishment. The Apex Court further took note of the fact that if the disciplinary authority wanted to consider the past conduct of the employee while imposing punishment, the employee was entitled to a notice thereof, which was not done. It was rendered under such facts and circumstances which have no application to the facts and circumstances of the present case. This judgment also is not applicable in the present case. The writ petitioner also relied upon Division Bench judgment of Delhi High Court in the case of **Ex. Ct. Raj Kumar** (supra), which was rendered under a different set of facts where an allegation not stated in the charge memo and not supported in the enquiry was sought to be held proved. This judgment therefore, does not have any application in the facts and circumstances of the present case.

46. The reliance placed by the respondent upon the decision of the Coordinate Bench in **Union of India & Ors. vs. Ashok Kumar Som (M.A.T. No. 932 of 2023)** also lends support to the well-established principle that previous official dealings with a delinquent employee, or the discharge of statutory disciplinary functions, do not by themselves establish bias or a reasonable apprehension thereof.
47. On an overall assessment of the entire materials on record, we are satisfied that the petitioner has utterly failed to establish either actual bias or any reasonable likelihood of bias on the part of the Commandant. The allegations are founded upon assumptions rather than objective facts and do not satisfy the legal threshold required to invalidate disciplinary proceedings conducted under the statutory framework governing the Force.
48. We are, therefore, unable to accept the contention that the proceedings of the SSFC stood vitiated on account of bias or mala-fide. The learned Single Judge was fully justified in declining to interfere with the disciplinary proceedings on such unsupported allegations. We find no infirmity in the view so taken.

49. Accordingly, the submissions advanced on behalf of the writ petitioner on the issue of bias and mala-fide fail and stand rejected.
50. Consequently, the appeal, being devoid of merit, is liable to be **dismissed**.
51. There will be no order as to costs.
52. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

I agree.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)