

ITEM NO.5+28 Court 5 (Video Conferencing)

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

ITEM NO. 5

Petition(s) for Special Leave to Appeal (C) No(s). 16746/2021

(Arising out of impugned final judgment and order dated 28-09-2021 in WPA(P) No. 213/2021 passed by the High Court At Calcutta)

THE SECRETARY AND THE RETURNING OFFICER,
WEST BENGAL LEGISLATIVE ASSEMBLY

Petitioner(s)

VERSUS

AMBIKA ROY & ORS.

Respondent(s)

IA No. 150528/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 136181/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 136180/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 150524/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH
SLP(C) No. 16773/2021 (XVI)

IA No. 150542/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 136480/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 136479/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 150536/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

ITEM NO. 28

Writ Petition(s)(Civil) No(s). 117/2022

([TO BE TAKEN UP ALONG WITH ITEM NO. 5 I.E. SLP(C) No. 16746/2021])

IA No. 24994/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 24996/2022 - EXEMPTION FROM FILING O.T.
IA No. 24991/2022 - STAY APPLICATION)

Date : 25-02-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Suhaan Mukerji, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Vishal Prasad, Adv.
Mr. Amit Bhandari, Adv
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv
M/S. Plr Chambers And Co., AOR

For Respondent(s) Mr. Shyam Divan, Sr, Adv
Mr. Saynatak Das, Adv.
Mr. Udayaditya Banerjee, Adv.
Mr. Arif Ali, Adv.
Ms. Nupur Kumar, AOR

Mr. C.S Vaidyanathan, Sr. Adv.,
Mr. Kabir Shankar Bose, Adv.
Mr. Amit Mishra, Adv.
Mr. Surjendu Sankar Das, AOR
Ms. Kanika Singhal, Adv.
Mr. Sarthak Raizada, Adv.
Ms. Annie Mittal, Adv.
Mr. Akshay Nagarajan, Adv.
Mr. B. Bhattacharya, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition (Civil) No.117/2022 has been filed under Article 32 of the Constitution of India challenging the Order dated 11.02.2022 passed by the Speaker, West Bengal Legislative Assembly dismissing the application filed by the petitioner for disqualification of Mr. Mukul Roy as a Member of the West Bengal Legislative Assembly.

After hearing Mr. C.S. Vaidyanathan, learned senior counsel appearing for the petitioner, we are of the considered view that the petitioner can

approach the High Court assailing the validity of the Order dated 11.02.2022. He submitted that Mr. Mukul Roy was appointed as Chairman of Public Accounts Committee (PAC) for a period of one year which would expire in another four months.

SLP(Civil) Nos.16746/2021 and 16773/2021 are filed by the Secretary and the Returning Officer, West Bengal Legislative Assembly and Speaker, West Bengal Legislative Assembly questioning the Order dated 28.09.2021 in Writ Petition A(P) No. 213/2021. The said writ petition was filed for a writ of *quo warranto* challenging the nomination of Mr. Mukul Roy as Chairman of PAC.

By an Order dated 28.09.2021, the High Court directed the Speaker to place the Order to be passed in the application filed for disqualification of Mr. Mukul Roy before the High Court. The High Court observed that the issue of disqualification of Respondent No.2 therein is connected with his continuance as Chairman, PAC. While passing the said order, the High Court dealt with the issue of maintainability of the writ petition, constitutional conventions, the rules framed by the West Bengal Legislative Assembly and the scope of judicial review of orders passed by the Speaker.

As the Speaker has already decided the petition filed for disqualification of Mr. Mukul Roy, the petitioner in Writ Petition(C) No.117/2022 is permitted to withdraw the writ petition and approach the High Court by filing an application under Article 226 of the Constitution of India.

Writ petition is accordingly, dismissed as withdrawn with aforesaid liberty.

As the writ petition is intricately connected with the issue of continuance of Mr. Mukul Roy as Chairman, PAC, it is advisable the said writ petition is heard along with the writ petitions that are pending in the High Court.

Needless to mention that the observations made by the High Court while passing the Order dated 28.09.2021 are prima facie and the parties are at liberty to raise all contentions that are available to them under the law. In view of the tenure of Mr. Mukul Roy as Chairman, PAC is only for a period of one year, we request the High Court to decide the pending writ petitions and the writ petition to be filed by the petitioner in Writ Petition(C) No.117/2022 before the High Court expeditiously, not later than a period of one month.

The Special Leave Petitions stand disposed

of. Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(ANAND PRAKASH)
COURT MASTER