

News

Passover denial is not a basis for judicial review: Delhi High Court in the case of Alapan Bandyopadhyay.



The refusal to transfer the case to junior counsel so that a senior might argue it was one of the grounds raised by the former West Bengal Chief Secretary in his review petition.

According to the Delhi High Court's ruling in Alpan Bandyopadhyay v. Union of India and Ors, requesting a passover in a case is not a matter of right.

According to a Division Bench consisting of Justices C Hari Shankar and Jyoti Singh, the court's denial of pass over cannot serve as justification for a decision review.

"The argument that no pass-over was given cannot be used to have the judgment reviewed. A cursory reading of the judgment makes it clear that the petitioner's counsel was heard extensively, and that it is not a matter of right to request a pass over," the Court noted.

Alapan Bandyopadhyay, the former chief secretary of West Bengal, submitted a case asking for a review of the Court's 2022 ruling, but the Bench rejected it. The Central Administrative Tribunal (CAT) Chairman's decision to move a Bandyopadhyay case from the CAT's Kolkata Bench to Delhi was maintained by the High Court in the ruling under review.

Following Bandyopadhyay's reported tardiness to a 2021 Cyclone Yaas meeting chaired by Prime Minister Narendra Modi, the Central government started legal action against him.

Before the CAT's Kolkata Bench, the IAS official contested the action. However, before a hearing could be held, the CAT Chairman moved the case to Delhi. The Kolkata High Court overturned the Chairman's order in response to Bandyopadhyay's suit.

The Supreme Court, however, reversed the ruling, ruling that the CAT Chairman's choice could only be examined "only before a Division Bench of a High Court within whose jurisdiction the tribunal concerned falls."

Bandyopadhyay filed a petition in the Delhi High Court as a result, but it was denied.

In his review petition, he raised several points, one of which was that the Bench had rejected the junior counsel's repeated pleas to forward the case for the senior advocate to argue.

However, the Court determined that the argument lacked merit.

Bandyopadhyay was represented by Senior Advocate AK Behera along with lawyers Kunal Vajani, Kunal Mimani, Kartikey Bhatt, and Prashant Alai.

Additional Solicitor General (ASG) Vikramjeet Banerjee, Central Government Standing Counsel (CGSC) Nidhi Raman, and attorneys Akash Mishra, Arnav Mittal, Suraj, Kartik Dey, and Mayank Sansanwal represented the central government.