

ITEM NO.8 Court 6 (Video Conferencing) SECTION XIV

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).25808/2020

(Arising out of impugned final judgment and order dated 15-07-2020 in RP No. 75/2019 and 27-02-2019 in WP(C) No. 503/2018 passed by the High Court of Tripura at Agarthala)

TRIPURA STATE OF COUNCIL FOR SCIENCE AND TECHNOLOGY Petitioner(s)

VERSUS

DEEPAYAN GHOSH & ORS. Respondent(s)

(WITH I.R. and IA No.29272/2021-CONDONATION OF DELAY IN FILING)

Date : 05-03-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Ms. Madhavi Divan, ASG
 Mr. Shuvodeep Roy, AOR
 Ms. Subha Yadav, Adv.
 Mr. Rahul Raj Mishra, Adv.

For Respondent(s) Ms. Madhumita Bhattacharjee, AOR

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

- 1 There is a delay of 547 days in filing the Special Leave Petition against the order dated 27 February 2019. This has been occasioned by the fact that a review petition was filed before the Single Judge, which was dismissed on 15 July 2020 and as a result of the lock down, the Special Leave Petitions could be filed on 23 November 2020.
- 2 Delay is condoned.

3 Aggrieved by an order of the learned Single Judge dated 27 February 2019 in a
Writ Petition¹, a Writ Appeal² was filed before the Division Bench of the High
Court of Tripura. By an order dated 19 November 2019, the Division Bench
presided over by the learned Chief Justice permitted the Writ Appeal to be
withdrawn with liberty to file a review petition before the Single Judge.
Thereafter, a review petition³ was filed, which has been dismissed by an order
dated 15 July 2020.

4 Both the original order dated 27 February 2019 and the order in the review
petition dated 15 July 2020 are now called into question under Article 136 of the
Constitution.

5 We have heard Ms Madhavi Divan, learned Additional Solicitor General with Mr
Shuvodeep Roy, learned counsel, appearing on behalf of the petitioner and Ms
Madhumita Bhattacharjee, learned counsel appearing on behalf of the first and
second respondents, on caveat.

6 Since the orders of the Single Judge are amenable to a Writ Appeal before the
Division Bench of the High Court, we decline to entertain the Special Leave
Petitions under Article 136 on that ground. However, while we relegate the
petitioner to the remedy of a Writ Appeal before the High Court, we direct that
no coercive steps shall be taken in the contempt proceedings⁴ which have been
initiated in pursuance of the order of the Single Judge for a period of eight weeks
so as to enable the petitioner to pursue its remedies in appeal.

1 Writ Petition (C) No 503 of 2018

2 Writ Appeal 192 of 2019

3 Review Petition 75 of 2019

4 Contempt Petition No 76 of 2020

7 Subject to the grant of the aforesaid liberty, the Special Leave Petitions are dismissed.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER