

23.06.2021
KC(26)

F.M.A. 437 of 2021
Arpita Pramanik
-versus-
The State of West Bengal and Ors.
(Via Video Conference)

Mr. Sudipta Sengupta.....For the appellant.

The impugned judgment and order was made on 14th January, 2020. It dismissed the writ application of a sole writ petitioner challenging the selection process for appointment of assistant teachers in primary schools under the general category. This selection process was conducted in the year 2016.

The main ground of the appellant/writ petitioner is that favouritism was extended by the selection authority to some candidates by disproportionately enhancing their viva-voce marks and unfairly reducing the viva-voce marks of other candidates. As a result of this, the candidates who had got very modest marks in the Madhyamik and Higher Secondary Examination got higher total marks in the selection process than those who had scored very well in those examinations.

The learned judge did not accept these grounds of challenge by observing that no materials had been placed to even prima facie establish this allegation.

We find from the records, that this memorandum of appeal was presented in this court on or about 28th

February, 2020. Thereafter no steps had been taken by the appellant to prosecute this appeal. In the process more than a year and half have elapsed since the impugned judgment and order dated 14th January, 2020. The selection process has been given effect to by appointment of empanelled candidates in the subject posts, as submitted.

Even if we accept the allegation of the appellant/writ petitioner, we cannot obtain recorded audio or video footage of the viva-voce process. Neither can the viva-voce process be carried out by the court. We are in no position to comment whether the viva-voce was conducted regularly or irregularly, short of any material to prima facie establish that discrimination was made by the selection authority against a candidate or batch of candidates.

For whatever reason the selected candidates have joined the posts and are working. We do not want to disturb this state of affairs.

For all those reasons, including the delay on the part of the appellant/writ petitioner in pursuing her remedy, we dismiss this appeal. No order as to costs.

(I.P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)

