

14.12.2022

Sl. No.9.

Crt. No.11.

KB

MAT 335 of 2019
with
I.A. No. CAN 1 of 2019
(Old No. CAN 4145 of 2019)
with
I.A. No. CAN 2 of 2019
(Old No. CAN 4146 of 2019)

Sm. Sadhana Paul
Versus
The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya
Mr. Anindya Bose
Mr. Diptendu Mandal
Mr. Mridul Biswas
.... For the Appellant.

Mr. Swapan Kumar Datta
Mr. Tapas Kumar Dey
... For the State Respondents.

Mr. Santanu Kumar Mitra
... For the Board.

In Re : IA No. CAN 2 of 2019
(Old No. CAN 4146 of 2019)

Party/parties is/are represented in the order of
their name/names as printed above in the cause title.

This appeal is barred by delay.

The delay is opposed by Learned Counsel appearing
for the Respondents.

Mr. Bhattacharyya, Learned Senior Counsel,
appears for the appellant.

The West Bengal Board of Secondary Education (for
short the Board) is represented by Mr. Mitra, Learned

Counsel and the State-respondents are represented by Mr. Datta, Learned Additional Government Pleader (*AGP*). The application in support of the prayer for condonation of delay is marked as IA No. CAN 2 of 2019 (Old No. CAN 4146 of 2019).

Heard.

Considered the materials placed.

This Court is satisfied that sufficient grounds have been made out for condonation of delay.

Accordingly, the delay stands condoned.

The appeal and its connected application are now being treated to be formalised.

IA No. CAN 2 of 2019 (Old No. CAN 4146 of 2019) stands accordingly disposed of.

**MAT 335 of 2019
with
I.A. No. CAN 1 of 2019 (Old No. CAN 4145 of 2019)**

Next, the appeal and the connected application for appropriate order is taken up for consideration.

The appellant submits that the recruitment to several categories of posts under the Board was advertised on the December 3, 2010. The screening test pursuant to the advertisement was to be held on 2011 the screening test has not been held so far.

In the meantime, by an order dated 3rd June, 2011, the Board has notified that the screening test pursuant

to the Advertisement Notice No. 1/2010 stood deferred. The candidates, including the appellant, were requested to preserve their Admit Cards *carefully for future reference*. The appellant submits that till date there is no notice on the part of the Board with regard to the steps taken pursuant to the advertisement following the deferment dated 3rd June, 2011.

The appellant further submits that the Hon'ble Single Bench on the basis of particulars provided by the Board has held that the Board must be deemed to have abandoned the process of selection. There is no cogent material however which has been made available by the Board in support of such abandonment.

Mr. Mitra, learned Counsel appearing for the Board led by Mr. Datta, learned Additional Government Pleader (AGP), submits that no enforceable right has been made out in favour of the appellant. The appellant is a mere selectee and it lies within the domain of the Board to carry forward any selection.

The Board by way of a Report submitted to the Hon'ble Single Bench, had indicated that no steps have been taken pursuant to the deferment.. Therefore the Hon'ble Single Bench was correct in holding that the screening test has been abandoned.

Having heard the parties and considering the materials placed, this Court permits the Secretary/the

Respondent No.3 to take a reasoned decision in the matter and inform the appellant of the exact status of affairs.

This Court has not opined on the merits.

The Secretary shall take and communicate the decision on the basis of the record. It will be open to the Secretary to take a decision independently on the basis of the available record.

The above-directed exercise be completed not later than a period of eight weeks from the date of communication of this order.

Since affidavits are not called for, the allegations made in the appeal are deemed to be denied.

MAT 335 of 2019 with IA No. CAN 1 of 2019 (Old No. CAN 4145 of 2019) stand accordingly disposed of.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J.)