

16.03.2022
Item No.2
Court No.6.
AB

**M.A.T. 1303 of 2021
With
I A CAN 1 of 2021**

**Dhiman Basu
Vs
The State of West Bengal & Others**

Mr. Anirban Banerjeefor the Appellant.

Mr. Sayan Sinha,
Mr. S. S. Biswasfor the Respdt No.3 and 4.

By consent of the parties, the appeal is taken up
for hearing.

In re : IA CAN 1 of 2021

This is an application for condonation of delay of
about 1935 days in filing the appeal.

In the peculiar facts and circumstances of the
case as narrated in the condonation petition, we are
inclined to condone the delay.

The application being IA CAN 1 of 2021 is,
accordingly, disposed of.

In re : MAT 1303 of 2021

This is an appeal against an order dated August
16, 2016, whereby W. P. No.9747 (W) of 2015 was
dismissed.

The writ petitioner/appellant and others had
challenged the selection of the private respondent as

an Assistant Teacher of a school run by the Bangoan Municipality, before the learned Single Judge. The case of the writ petitioners was that apparently, the Chief Executive Officer of the concerned Municipality (wrongly recorded as Chief Executive Engineer) by a communication dated January 20, 2015 had assured the writ petitioners that the merit list will be displayed on the website of the Municipality. According to the writ petitioners, that was not done and appointment letter was issued in favour of the private respondent.

The learned Judge noted that the writ petitioners were ranked 47 and 57 in the merit list and were far outside the zone of consideration. The learned Judge also noted that the merit list had been displayed on the Notice Board at the office of the Municipality and at the office of the Directorate of local bodies. The learned Judge dismissed the writ petition. Hence this appeal.

We have heard learned Counsel for the parties. There appears to be no legal requirement under any Statute or any Rule or Regulation that the merit list must be published in the website. The merit list was admittedly put up on the Notice Board of the Municipality as also the Notice Board at the office of the Directorate of local bodies. We do not see how the appellant is aggrieved or prejudiced. The very locus of

the appellant to prefer the appeal is in doubt in view of his low rank in the merit list.

We see no reason to interfere with the order under appeal and that too, after about six years.

MAT No.1303 of 2021 stands, accordingly, dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)