

30.08.2023
SL No.185
Court No.8
(gc)

FMA 160 of 2019

**DEBASIS DAS
VS
THE MANAGING COMMITTEE OF
BEGUNBARI HIGH SCHOOL & ORS.**

Mr. Subir Sanyal,
Mr. Ramdulal Manna,
Mr. Sayan Mukherjee,
Ms. Payel Khanra,
...for the Appellant.
Mr. Supriyo Chattopadhyay, A.G.P.,
Mr. Sumon Dey,
...for the State.

1. In spite of service, the writ petitioner is not represented.
2. The affidavit of service is taken on record.
3. The grievance of the appellant appears to be that he ranked first in the selection process and suppressing the said fact, the order was obtained on 3rd February, 2017 by directing the District Inspect of Schools (S.E.), Purba Medinipur to permit the writ petitioner to fill up the vacancy in the post of Clerk following the rules that prevailed at the time when the vacancy arose.
4. Mr. Subir Sanyal, learned Counsel for the appellant has submitted that the added respondent had disclosed few documents to show that the Managing Committee has suppressed the preparation of the panel and such information has obtained

through R.T.I. However, on an enquiry being made, Mr. Sanyal is unable to produce the R.T.I. application in connection whereof it is alleged few documents were supplied and they were disclosed in the affidavit-in-opposition.

5. In absence of R.T.I. application, the documents alleged to have supplied to the added respondent pursuant to such R.T.I. could not be verified. The school has not admitted such documents. Moreover, although the appellant had the opportunity to appear before the learned Single Judge on 3rd February, 2017 and made appropriate submission, no representation was made on behalf of the appellant, nor any application was filed subsequent thereto for recalling of the said order on the ground of suppression.
6. The argument that the order was obtained by suppression is not accepted since the appellant did not appear on the date when the order was passed nor had subsequently filed an application for recalling of the said order on stating satisfactory grounds.
7. Notwithstanding disclosure of few documents in the affidavit-in-opposition

whose authenticity is in great doubt, the order impugned had taken care of interest of all aspirants. Hence, we are not inclined to interfere with the order passed by the learned Single Judge.

8. The appeal, accordingly, stands dismissed.

9. However, there shall be no order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)