

17 09.10.2023

Ct-08

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FMA 173 of 2015
with
I.A No. CAN 1 of 2014(Old CAN No. 11219 of 2014)

Dhirendra Nath Mahato
Vs.
State of West Bengal & Ors.

1. The parties are not represented nor any accommodation is prayed for on behalf of the parties.

2. The appeal had appeared in the warning list of cases on and from 19th September, 2023 with a clear indication that the said matter shall be transferred to the Regular Bench on 6.10.2023. The appeal was appeared on 6.10.2023 and is again listed today. All the parties have sufficient notice about the listing of the matter before the Regular Bench on and from 6th October, 2023.

3. The appeal was filed on 09.9.2014. The record shows that no attempt has been made to move this appeal after it was filed. No step has been taken to serve notice and prepare paper books. It clearly shows that the appellant is not interested to proceed with the appeal.

4. However, considering the materials on record the allegations were with regard to the process of selection. Learned Single Judge considered the report dated 18th January, 2013

filed by the District Magistrate, Purulia after holding an inquiry in terms of the order passed by the learned Single Judge on 29th November, 2011. The report gave details of the documents examined by the District Magistrate, Purulia and his findings that the procedure of preparation of the panel for the two posts of Laboratory Attendants in Rajnowagarh High School was not correct. It also appears that the report appears to be prepared on the basis of the photocopy of the documents and not the original documents. The authenticity of the said documents is not in dispute.

5. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

5. In view of the above, the appeal is accordingly dismissed along with the connected application.

(Uday Kumar,J.)

(Soumen Sen, J.)

