

09.10.2023
SL No.23
Court No.8
(gc)

FMA 822 of 2015

Sadekul Amin & Ors.

Vs.

The 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 6th October, 2023. The appeal is again listed today in the main cause list. 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 26th September, 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 and has virtually abandoned the appeal. However,

we consider the materials on record and the impugned order.

4. The petitioners approached the learned Single Judge with the grievance that they were appointed as organizing teaching and non-teaching staff and their appointment letters were issued by the then Secretary of the School pursuant to the decision taken by the Managing Committee. Since then, they have been discharging their respective duties in the school. After the school was upgraded, the petitioners expected to get the approval of their appointments. However, during inspection there is no organizing teacher in the said school. Therefore, the writ petitioners, inter alia, prayed for a writ in the nature of mandamus commanding the District Inspector of Schools (S.E.), Murshidabad to accord approval to the appointment of the petitioners to the respective posts which they were allegedly holding from the date of the recognition or upgradation of the school and to pay their salaries including the arrears. It reveals from the order that pursuant to an earlier order dated 9th January, 2015, the District Magistrate, Murshidabad enquired whether the

petitioners were working as organizing teaching and non-teaching staff since the beginning of the upgraded and whether any such undertaking relating to absence of any organizing staff of the school was given by the school authorities at the relevant point of time. The enquiry report shows that petitioners never associated with the school

5. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge.
6. Accordingly, the appeal stands dismissed.
7. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)