

09.10.2023
SL No.25
Court No.8
(gc)

FMA 862 of 2015

**Jagadish Chandra Mondal
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 27th October, 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. It appears that only one post of Accountant was available and the petitioner applied for the said post. In view of the fact that a single cadre post cannot be reserved in view of the decision of the Hon'ble Supreme Court in ***Smt. Chetana Dilip Motgare Vs. Bhide Girls' Education Society*** reported in ***AIR 1994 SC 1917*** where the Hon'ble Supreme Court has categorically held that the reservation for a single post is not permissible and the same view was reiterated in the case of ***"Post Graduate Institute of Medical Education & Research (Chandigarh) Vs. Faculty Association"*** reported in ***AIR 1998 SC 1767*** where the Supreme Court held that for a single cadre post reservation at any point of time on the ground of rotation or roster was bound to bring about a situation where such single post in the cadre would be kept reserved to the exclusion of the members of the public. The Supreme Court was of the view that cent percent reservation of the categories belonging to the reserved classes was not

consistent with the constitutional framework.

5. That apart, the petitioner had participated in the selection process and being unsuccessful there he cannot be permitted to turn around and question the legality of the recruitment process.
6. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge.
7. Accordingly, the appeal stands dismissed.
8. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)