

Item-13. 10-10-2023

sg Ct. 8

FMA 1517 of 2015

Dablu Majumder
Versus
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 18.12.2014. 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 appellants are not interested to proceed with the appeal and have virtually abandoned the appeal.
4. However, we have considered the materials on record and the impugned order. It appears that the post of Clerk was vacant since 2001. The appellant approached the Writ Court with a contention that a post of Clerk in the concerned School fell vacant in 2001 and in the year 2008, the Managing Committee of the school adopted a resolution for issuing fresh prior permission for filling up the said post. However, for the last 13 years, no progress was made by the Managing Committee to fill up the said post.

5. The learned Single Judge disposed of the said writ petition by recording that, if indeed the Managing Committee of the school had any desire to have the post of Clerk filled up, it ought to have notified the vacancy to the District Inspector of Schools concerned, who, in turn, would notify such vacancy to the Regional School Service Committee having jurisdiction for making appropriate recommendation.
6. In view of the above, we do not find any infirmity in the manner in which the writ petition was disposed of. The appeal fails and, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)