

04.07.2023
SL No.5
Court No.8
(gc)

**FMA 667 of 2014
CAN 1 of 2013 (Old No: CAN 12492 of 2013)**

**Jamiruddin
Vs.
State of West Bengal & Ors.**

Mr. Achinta Banerjee,
Mr. Ramkrishna Chandra,
Mr. Syed Nazmul Hossain,
Mrs. Syeda Musarrat Sahin,
Mr. Syed Raihanul Hossain,
...for the Appellant.

We have heard the learned Counsel for the appellant/petitioner. The name of the petitioner appeared against serial no.137 in the wait list dated 4th August, 2007. The appellant/petitioner contended before the learned Single Judge that the name of the two candidates, whose names appeared in the above waiting list against serial nos.141 and 143, were recommended for appointment superseding the petitioner. This was held to be factually incorrect on the basis of the materials produced before the learned Single Judge by the learned Counsel representing the respondent nos.3 to 5. It appears that the name of the last empanelled candidate in connection with the selection process under reference was recommended on 21st September, 2007. The writ petition was filed on 14th January, 2013. The learned Single Judge

has accepted the submission on behalf of the Commission that name of the petitioner appeared in the serial no.2 (not against serial no.137) of the wait listed candidate. The learned Single Judge also accepted the submission on behalf of the Commission that not a single wait listed candidate was recommended for appointment. This position was not disputed by the writ petitioner before the learned Single Judge. In fact, the writ petitioner was aware that the process has started and concluded, which would be evident from his representation dated 21st September, 2007. Apart from the fact that there is an inordinate delay of almost six years in filing the writ petition and having regard to the factual aspect of the matter, we are not inclined to interfere with the order passed by the learned Single Judge.

The appeal and the application, accordingly, stand dismissed.

However, there shall be no order as to costs.

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

(Uday Kumar, J.)

(Soumen Sen, J.)