

24.01.2023
Item No.225
Court No.550
Saswata

W.P.A. 619 of 2007
Malay Kumar Badyopadhyay
-vs-
State of West Bengal & Ors.

None appear on behalf of either of the parties.

Pursuant to the direction passed by this Court on 25th November 2022, a report has been filed. The same reveals that by order dated 14th May 2007, a co-ordinate Bench of this Court was, inter alia, pleased to dismiss the writ petition being W.P. 21358 (W) of 2006 as having become infructuous.

Records would reveal that by order dated 17th January 2007, this Hon'ble Court was, inter alia, pleased to pass the following order:-

"It is stated at the bar that the point involved in this case is identical to the point involved in W.P. No. 21358 (W) of 2006 which is pending consideration by this Court after having been admitted on 25.9.2006. In that case, an interim order was granted and therefore, similar interim order is also granted in this case directing the Respondent authorities to allow the petitioner/(s) to participate in the selection process subject to his/her/their being eligible on all counts. However, the results will not be disclosed and the same shall be kept in a sealed cover, awaiting further orders of this Court.

Let this application be listed immediately after disposal of W.P. No. 21358(W) of 2006 referred to above."

I find that since the writ petition being W.P. 21358 (W) of 2006 has already been dismissed as having become

infructuous, there is no impediment in taking up the hearing of the instant writ application.

The writ petitioner, by filing the aforesaid writ application has sought for a direction upon the respondent no.2 to allow the petitioner to participate in the interview/selection process for the post of Group-‘C’ (Lower Division Clerk) at different District Courts under the control of District Judge in the District of Birbhum, which was scheduled to be held on 21st January 2007. More than 15 years have since been passed. Records would reveal that after 17th January 2007 none appeared on behalf of the writ petitioner. In my view, since the selection process was scheduled to be held in the year 2007 and the petitioner having taken no steps, whatsoever, since thereafter for more than 15 years apart from filing of the present writ application, nothing survives in the aforesaid writ application and the same is accordingly ***dismissed***.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)