

Item-11. 13-10-2023

sg Ct. 8

FMA 242 of 2016
CAN 1 of 2015 (old CAN 12011 of 2015)

Souvik Sinha
Versus
The State of West Bengal & Ors.

Mr. Ekramul Bari, Adv.
Sk. Imtiaz Uddin, Adv.

...for the appellant

1. The appellant is represented. However, one appears for the State.
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 01-12-2015. 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 have virtually abandoned the appeal.
4. However, we have considered the materials on record and heard the learned counsel for the appellant. The non-inclusion of the name of the petitioner in the provisional merit panel prepared for general degree colleges for the post of Assistant Professor pursuant to an advertisement

published on 27th December, 2012 by the West Bengal College Service Commission is the subject matter of challenge in the writ petition.

5. The petitioner was called for an interview on 30th January, 2014 and a provisional panel was prepared on 7th February, 2014 but the name of the petitioner did not find place in the same. He made an application under the Right to Information Act, 2005 and in response thereto, the petitioner was intimated, inter alia, that the experts did not consider the writ petitioner's NET qualification to be in a relevant subject. Being aggrieved, he made a representation to the Chairman of the Commission on 25th February, 2015 but the same was not attended to.
6. In view of the fact that the selection process for which the petitioner was allegedly excluded was over on 7th February, 2014 and that there was an inordinate delay in filing the writ petition between 7th February, 2014 and August 2015, the writ petition was not entertained.
7. It is an admitted fact that by the time the writ petition is filed, the next selection process has also been commenced. It was known to him that he was not included in the provisional panel which was prepared on 7th February, 2014 and he ought to have approached the Court within a reasonable time and at least before the next selection process commenced. Moreover, it appears that the appellant was never pursued after it was filed on 1st February, 2015. The valuable rights

are accrued in favour of the third parties in the meantime.

8. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge. The appeal fails and the same is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)