

28.08.2023
SL No.14 wt 15
Court No.8
(gc)

MAT 775 of 2012
CAN 1 of 2012 (Old No: CAN 5271 of 2012)
CAN 2 of 2012 (Old No: CAN 5272 of 2012)

Amal Kumar Ghosh & Ors.
Vs.
The District Primary School Council,
Hooghly & Ors.

With

MAT 979 of 2012
CAN 1 of 2012 (Old No: CAN 1058 of 2012)

Tarun Kumar Chinya & Ors.
Vs.
The District Primary School Council,
Hooghly & Ors.

Mr. G.F. Hossain,
Ms. Varsha Roy,
Mr. Debasish De Sarkar,
Ms. Priyanka Mondal,

...for the Appellants
In MAT 979 of 2012.

Mr. Dipankar Mandal,
Mr. Abdul Aziz Mondal,

... For the Respondent No.15
In MAT 775 of 2012.

Re: CAN 1 of 2012
(Old No: CAN 5271 of 2012)
In
MAT 775 of 2012

1. Sufficient cause being shown for not being able to prefer the appeal within the period of limitation. The delay of 247 days in preferring the memorandum of appeal is condoned.
2. Accordingly, the application for condonation of delay is allowed and disposed of.

**Re: MAT 775 of 2012
CAN 2 of 2012
(Old No: CAN 5272 of 2012)
With
MAT 979 of 2012
CAN 1 of 2012
(Old No: CAN 1058 of 2012)**

3. The appellants in MAT 775 of 2012 are not represented, nor any accommodation is prayed for on their behalf.
4. However, the appellants in MAT 979 of 2012 are represented.
5. Mr. Dipankar Mandal, learned Counsel is representing the respondent No.15 in MAT 775 of 2012.
6. The notice appears to have not been served upon Mr. Biswabrata Basu Mallick, learned A.G.P.
7. We have read the judgment passed by the learned Single Judge carefully. It appears that the writ petitioners participated in the recruitment process initiated by the District Primary School Council, Hooghly who were declared as unsuccessful candidates. After having participated in the said process, they have challenged the recruitment process on ground of arbitrariness and mala fide. The writ petitioners did not challenge the recruitment process at the initial stage and

they have challenged the same after they were unsuccessful.

8. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

9. Accordingly, both the appeals along with the connected applications stand dismissed.

10. However, there shall be no order as to costs.

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

(Uday Kumar, J.)

(Soumen Sen, J.)