

28.02.2023

**MAT 262 of 2022
With
CAN 1 of 2022**

**Srimanta Roy
VS
The State of West Bengal & Ors.**

Mr. Tarun Kumar Das
Mr. Madan Mohan Roy ... for the Appellant

Mr. Biswabrata Basu Mallick
Mr. Bimal Halder ... for the DPSC, Hooghly

Ms. Chaitali Bhattacharya
Ms. U. Pal (Samanta) ... for the State

Party/Parties is/are represented in the order of their name/names as printed above in the cause title.

Mr. Das, Learned Counsel for the appellant, submits that the appellant was not well on the date of counselling and he was not intimated as regards to the date of counselling. As such the appellant could not attend the counselling and as a consequence his candidature has not been considered.

Learned Counsel for the appellant has relied upon a Notification being Memo No. 337/BPE/2021 dated 17.2.2021, wherein it has been stated that State Level Counselling will be held for the merit listed candidates who could not be empanelled in their own districts because of non-availability of vacancies according to their mediums and categories in terms of their merit. The date, time and venue of such counselling will be intimated via SMS on the candidates'

registered mobiles/E-mail through the candidates' registered E-mail ID in due course.

Mr. Basu Mallick, Learned Counsel appearing for the District Primary School Council, submits that there is no provision for intimating any empanelled candidate who has been empanelled within his district and in the instant case the appellant has been empanelled within his own district i.e. Hooghly. As such no question arises as regards to personal intimation to the said candidate.

The Notification dated 17.02.2021 states that State Level Counselling will be held for the merit listed candidates who could not be empanelled in their own districts because of non-availability of vacancies according to their mediums and categories in terms of their merit. The date, time and venue of such counselling will be intimated via SMS on the candidates' registered mobiles/E-mail through the candidates' registered E-mail ID in due course.

So from the aforesaid Memo (*supra*), it reveals that this is in respect of those merit listed candidates, who could not be empanelled in their own districts. In the instant case, the appellant has been empanelled within the district of Hooghly, which is his own district.

Thus, the Notification dated 17.02.2021 does not help the appellant in the instant case.

It also reveals that all the candidates whose names appear in the panel duly participated in the counselling process and necessary consequential steps have been taken

by the authorities.

In addition, notice was published in the Office Notice Board as well as in the official website of the concerned authority, which also does not favour the appellant.

Having heard the parties and considering the materials placed, this Court is of the view that a candidate who intends to obtain a job is to be vigilant and should have kept himself aware about the notices and publications made in the official notice board and the website of the concerned State authority.

In view of the aforementioned discussion, this Court is of the view that the order of the Hon'ble Single Bench dated 20.12.2021 passed in WPA 12544 of 2021 does not require interference.

MAT 262 of 2022 along with **CAN 1 2022** stand accordingly **dismissed**, without any order as to cost.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J.)