

Item-20. 10-10-2023

sg Ct. 8

FMA 1848 of 2015

Sandhya Bhattacharyya
Versus
The State of West Bengal & Ors.

1. The parties are not represented nor any accommodation is prayed for on behalf of the parties.
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 10-02.2015. 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 appellants are not interested to proceed with the appeal and have virtually abandoned the appeal.
4. However, we have considered the materials on record and the impugned order. In view of the fact that the option could not be exercised by those who were eligible to do so in terms of judgment and order of the Special Bench dated 10th July, 2013 and having regard to the fact that the writ petitioner was not eligible in terms of the judgment of the Special Bench, there is no scope to entertain the order of the learned

Single Judge.

5. On such consideration we do not find any reason to interfere with the order passed by the learned Single Judge.
6. The appeal fails. The appeal is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)