

Item-18. 10-10-2023

^{sg} Ct. 8

FMA 1841 of 2015
CAN 1 of 2015 (old CAN 10211 of 2015)
CAN 2 of 2018 (old CAN 2861 of 2018)

Dulal Chandra Mondal
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 13-02.2015. 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. The writ petitioner prayed for a direction on the Secretary, School Education Department to consider and dispose of his representation dated 30th December, 2013 in which a prayer was made to engage him as a teacher in any suitable place or where any scheme of Paschim Banga Sarva Siksha Mission was continuing. He claimed to have been engaged as Remedial Instructor during 2009-10. The

minimum qualification for engagement as a Remedial Instructor was a pass certificate in a Madhyamik Examination. Moreover with the introduction of Right of Children to free and Compulsory Education Act, 2009, the scheme for engagement for Remedial Instructor has been discontinued.

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 and the connected applications are accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)