

Item-48. 17-10-2023

sg Ct. 8

FMA 2239 of 2016

Debabrata Misra & Ors.

Versus

Union of India & 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 20-04-2016. 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. The appeal is arising out of an order passed by the learned Single Judge on 11th January, 2016 challenging the recruitment of primary teachers. The centre of controversy was the Teachers' Eligibility Test (TET) conducted by the West Bengal Board of Primary Education for appointment of the Assistant Teachers in Primary Schools all over the West Bengal. The writ petitioners perceiving an ulterior motive behind a concerted effect on the part of the Board not to recruit trained candidates on the posts of primary teachers

but to fill up such posts by appointing candidates who do not possess requisite training qualification prescribed by the National Council for Teacher Education (NCTE), despite that there being sufficient numbers of trained candidates waiting in the queue for appointment, had exercised their fundamental rights guaranteed by Article 32 of the Constitution by approaching the Court seeking redressal of their grievance.

5. The learned Single Judge dismissed the writ application on the ground of delay, laches and acquiescence. The reason would be clear from paragraph 33 onwards of the said judgment. The learned Single Judge observed that the petitioner being unsuccessful have indulged in a witch-hunting campaign, which should not be encouraged and on that ground declined to give any equitable relief based on the other decisions.
6. In view of the above, we do not find any reason to interfere with the order passed by the learned Single Judge. The appeal fails. The appeal is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)