

Item-16. 10-10-2023

sg Ct. 8

FMA 1810 of 2015

Ramesh Halder

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 17.04.2015. 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. It appears that the petitioner raised objection with regard to the preparation of panel by the Managing Committee of the school concerned which has since been approved by the District Inspector of Schools (SE), Howrah resulting in the appointment of respondent no.8 as a Group D staff.
5. The writ petitioner alleged manipulation of the panel. In the original panel, he had secured first position but subsequently,

by recast of the panel, the petitioner had relegated to the third position. In the present case, the recruitment was to be governed by the Rules of 2005. It required the Managing Committee to approach the employment exchange for sponsoring names of eligible candidates. Candidates, who may have obtained orders from the Court, could also be called upon to appear at the interview in compliance with such order. However, the Managing Committee had no authority in law to call upon the petitioner to appear at the interview, without his name being sponsored by the employment exchange and without he being permitted by this Court to appear in the interview.

6. In view of the fact that the appearance of the petitioner in the interview was decided illegally, we do not find any reason to interfere with the order passed by the learned Single Judge.
7. The appeal fails and is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)