

Item-26. 21-08-2023

sg Ct. 8

MAT 921 of 2012
CAN 1 of 2012 (old CAN 5969 of 2012)
CAN 2 of 2012 (old CAN 5970 of 2012)

Nepal Chandra Das
Versus
State of West Bengal & Ors.

1. The appellant is not represented nor any accommodation is prayed for on behalf of the appellant. The matter was adjourned earlier at the instance of the appellant. No affidavit has been filed showing compliance of our order dated 2nd August, 2023.
2. It appears from the report of the Additional Stamp Reporter that there is a delay of 61 days in presenting the memorandum of appeal.
3. The appeal is arising out of a judgment and order dated 19th January, 2022 in a writ petition in which the appointment of Group-D employee in a school reserved for scheduled caste category came up for consideration.
4. The school concerned invited sponsored candidates from the Employment Exchanges and pursuant to such requisition, the Employment Exchange sponsored 20 candidates including the writ petitioner. Out of 20 candidates, 13 candidates including the writ petitioner appeared at the interview along with one more candidate being the private respondent who was allowed to appear in the interview on the basis of the order passed by this Court.
5. The grievance of the writ petitioner was that the private respondent is not at all entitled to appear before the Interview Board since his name was not sponsored.

6. The petitioner did not object at the time of interview that the post should be filled up by inviting applications through advertisement. But subsequently, the said plea was taken after he was found to be unsuccessful and after he had appeared in the said interview.
7. The private respondent, admittedly, was selected for the interview process. After selection process was allowed to be continued and concluded, admittedly, the Court will not allow an unsuccessful candidate to challenge the interview process.
8. In view thereof, we do not find any reason to interfere with the order passed by the learned Single Judge.
9. The appeal and the stay application, being CAN 2 of 2012 (old CAN 5970 of 2012) stand dismissed. The application for condonation of delay, being CAN 1 of 2012 (old CAN 5969 of 2012), is accordingly, allowed. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)