

Item-49. 17-10-2023

sg Ct. 8

FMA 2681 of 2016

Santoshi Bauri

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 30-06-2016. 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 appellant is 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 16th May, 2016. The subject matter of challenge was the decision of the District Primary School Council with regard to conduct of a selection process for appointment of Assistant Teacher for the year 2006. The petitioner alleged that the examination for the year 2006 was ultimately held in 2009. The petitioner was initially sponsored as a general category candidate. She was, thereafter, sponsored as scheduled caste candidate. The

Primary School Council ought to have treated the petitioner as scheduled caste candidate and accordingly ought to have issued admit card in her favour.

5. The Council contended that the petitioner did not come within the zone of consideration for the purpose of issuing the admit card inasmuch as the petitioner did not have the requisite Madhyamik marks for such purpose.
6. In view of the fact that the petitioner did not have the requisite marks in the Madhyamik examination for her to take written examination and the complain raised with regard to change of examination centre without giving any notice to the petitioner is inconsequential.
7. Under such circumstances, 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.)