

Item-28. 27-09-2023

^{sg} Ct. 8

MAT 1338 of 2023
CAN 1 of 2023
CAN 2 of 2023

Sudipta Mukherjee
Versus
The State of West Bengal & Ors.

Mr. P.K. Banerjee, Adv.
Ms. Indrani Nandi, Adv.

...for the appellants

Mr. Ratul Biswas, Adv.
Mr. Koushik Chowdhury, Adv.

...for the Board

1. CAN 2 of 2023 is an application for condonation of delay.
There is a delay of 57 days in preferring the appeal.
2. Sufficient cause being shown for not being able to file the appeal within the period of limitation. The delay of 57 days in preferring the appeal is thereby condoned and CAN 2 of 2023 is accordingly, disposed of.
3. In view of the fact that the petitioner was under-aged when he appeared in the selection test in 2012, we cannot grant any relief to the petitioner although he was successful in the selection test. Ultimately, he was not given the appointment because of his under-age at the time of appearance in the examination test.
4. It is an admitted fact that he became major when he appeared in the interview but having regard to the fact that he could not have appeared in the selection test due to his under-age.
5. We are unable to grant any relief to the writ petitioner.
6. The appeal and the application are accordingly, dismissed.
However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)