

Item-10. 14-09-2023

sg Ct. 8

MAT 1247 of 2022
CAN 1 of 2022

Md. Zasimuddin Sk. & Ors.
Versus
The State of West Bengal & Ors.

Ms. Shetparna Ray, Adv.

...for the appellants

Ms. Iti Dutta, Adv.

...for the State

In Re: CAN 1 of 2022

1. This is an application for condonation of delay. There is a delay of 67 days in preferring the appeal.
2. Sufficient cause being shown for not being able to prefer the appeal within the period of limitation. The delay of 67 days in preferring the appeal is hereby condoned.
3. CAN 1 of 2022 is, accordingly, disposed of.

In Re: MAT 1247 of 2022

4. We have heard the learned Counsel for the appellants. The learned Single Judge dismissed the writ petition on the ground that no application offering candidatures of the writ petitioners have been made on behalf of the writ petitioners pursuant to the notification dated 23rd December, 2020 issued by the Board. It has also been recorded that the learned counsel appearing on behalf of the writ petitioners before the learned Single Judge could not indicate any statement made in the writ petition as well as in the supplementary affidavit filed in support of the contention that due applications were made online pursuant to the said recruitment notification.
5. In the absence of such applications being filed, the question

of granting any relief to the petitioners could not and does not arise.

6. In the event any applications were fact is filed pursuant to the notification, it would be open for the appellants to seek review of the order before the learned Single Judge as the basis of the order appears to be that due to non-filing of the applications in terms of the notification, the candidatures of the writ petitioners could not be considered.
7. With the aforesaid observations, we affirm the order of the learned Single Judge. The appeal is, accordingly, dismissed. However, there shall be no order as to costs.

(Partha Sarathi Sen, J.)

(Soumen Sen, J.)