

FMA 3641 of 2015

**Sri Gourish Panda
Vs.
State of West Bengal & Ors.**

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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 6.10.2023. The appeal was appeared on 6.10.2023 and is again listed today. 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 14.8.2015. 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 appellant is not interested to proceed with the appeal.

4. The writ petitioner was a third empanelled candidate and he had approached the Court with certain grievances against the respondents. Initially an interim order was passed on 15th May, 2013 when the learned Single Judge

restrained the respondent authorities from taking any further steps in the matter of appointing Assistant Headmaster without leave of the Court. During the pendency of the writ petition, the school authorities filed an application for leave of the Court to appoint Assistant Headmaster. Learned Single Judge taking into consideration the inconvenience permitted the school authorities to appoint second empanelled candidate in the post of Assistant Headmaster, subject to the result of the writ petition.

5. Under such circumstances, we do not find any reason to interfere with the aforesaid interim management.

6. In view of the above, the appeal is accordingly dismissed.

(Uday Kumar,J.)

(Soumen Sen, J.)

