

17.10.2023
SL No.58
Court No.8
(gc)

MAT 1680 of 2023
CAN 1 of 2023
CAN 2 of 2023

Sampa Naskar
Vs.
The State of West Bengal & Ors.

Mr. Siddhartha Sarkar,
Mr. Hirak Roy,
...for the Appellant.
Mr. Indranil Roy,
Mr. Tapas Kumar Mondal,
...for the State.
Mr. Subir Sanyal,
Mr. Ratul Biswas,
...for the D.P.S.C., Howrah,

Re: CAN 1 of 2023

1. Sufficient cause being shown for not being able to file the memorandum of appeal within the period of limitation.
2. The delay of 465 days in filing the memorandum of appeal is condoned.
3. Accordingly, the application for condonation of delay is allowed and disposed of.

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4. The learned Single Judge dismissed the writ application on the ground of an inexcusable delay. We find from record that the name of the petitioner appeared in the list of selected candidates in respect of

Primary School Teachers Examination which was conducted in the year 2009-10. Since no appointment letter was issued in her favour, an application under the RTI Act was made on 3rd February, 2015.

5. However, on 9th December, 2015, the score obtained by the petitioner in Primary Teacher's Recruitment Process, 2009 was sent to her by the Council on 1st July, 2015. In fact, the petitioner could not offer any explanation for not trying to find out marks she has obtained since the date of publication of the result, in any event, she also did not take any steps pursuant to the communication received on 1st July, 2015.
6. The learned Counsel for the D.P.S.C., Howrah on instruction has submitted that the selection process of the year 2009 was long over and all appointments have been made within the year 2015-16. This fact has also been recorded by the learned Single Judge. It has now become irreversible delay and laches on the part of the petitioner in not approaching the Court in time.
7. We do not find any reason to interfere with the order passed by the learned Single Judge.

8. Accordingly, the appeal and the application stand dismissed.
9. However, there shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)