

17.10.2023
SL No.59
Court No.8
(gc)

MAT 1681 of 2023
CAN 1 of 2023
CAN 2 of 2023

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

Mr. Siddhartha Sarkar,
Mr. Hirak Roy,
...for the Appellant.
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 appellant participated in the recruitment process initiated by the District Primary School Council, Howrah in the year 2009-10. He was unsure as to

whether his name appeared in the merit list of selected candidates. He made an application under the RTI Act on 23rd February, 2015. Thereafter, he pursued the matter. In March, 2021, the appellant made a representation to the Council praying for issuing appointment letter in his favour.

5. In view of conspectus of the aforesaid facts and having regard to the fact that the appointments have been made by December, 2014 in respect of the selection process in the year 2009-10, we think that the learned Single Judge was justified in dismissing the writ petition on the ground of delay and laches.
6. Accordingly, the appeal and the application stand dismissed.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)