

09 12.10.2023

Ct-08

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FMA 3654 of 2015
with
I.A No. CAN 1 of 2015(Old CAN No. 8555 of 2015)

Sri Samiran Maity
Vs.
The State of West Bengal & Ors.

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 20.8.2015. 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. Having regard to the facts that the result sheet was produced by the respondent authorities was considered by the learned Single Judge and it revealed that the first candidate

obtained 19.69 marks, the second candidate obtained 18.09 marks and the third candidate obtained 17.93 marks whereas the petitioner has obtained only 14.87 marks. It is well settled that a candidate having participated in a selection process cannot turn back and challenge the same since the results are not palatable. Furthermore, no legally protected right of the petitioner, which can be judicially enforced, has been infringed.

5. In view thereof, we do not find any reason to interfere with the order passed by the learned Single Judge.

6. In view of the above, the appeal is accordingly dismissed along with the connected application.

(Uday Kumar,J.)

(Soumen Sen, J.)

