

Item-36. 06-10-2023

sg Ct. 8

FMA 4539 of 2014

Md. Isha

Versus

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 today. The appeal is listed today in the main cause list. 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 11.08.2014. 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 appellants are not interested to proceed with the appeal and have virtually abandoned the appeal.
4. We have read the judgment under appeal. The petitioner was appointed in the post of a non-teaching staff (clerk) in Baharagachi High School (H.S.), District Murshidabad with effect from 1st June, 1995 on the basis of a resolution adopted in the meeting of the Managing Committee of the school dated 20th May, 1995. Since his service was not approved, he filed a writ petition which was disposed of on 10th October, 2012 with a direction upon the respondent authority to take a decision in the above matter.
5. The authority passed an order expressing inability to give

any relief to the petitioner and allowing his prayer for regularization of his service relying upon the decision of the Hon'ble Supreme Court in the matter of *State of Karnataka & Ors. vs. Uma Devi (3)* reported in *(2006) 4 SCC 1*.

6. In the absence of any materials being disclosed showing that he was appointed to the post adhering to any recruitment Rules or against the sanctioned post, the learned Single Judge had declined to interfere with the order under challenge.
7. We do not find any reason to interfere with the order passed by the learned Single Judge.
8. The appeal is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)