

05.10.2023
Item No.1
Ct. No.5
CHC
(dismissed)

WP.ST 139 of 2023

Chandan Kumar Ghosh
Vs.
The State of West Bengal & ors.

Mr. Sutirtha Das
...for the writ petitioner

Mr. Tapan Kr. Mukherjee, Sr. Advocate & A.G.P.
Mr. Avishek Prasad
...for the State

The writ petition is directed against an order dated September 12, 2012 passed in O.A.43 of 2012 by the West Bengal Administrative Tribunal.

By the impugned order, the Tribunal negated the claim of the writ petitioner.

Learned advocate appearing for the writ petitioner submits that, the subject-matter of the writ petition is covered by the decision of this Bench dated June 27, 2023 passed in WP.ST 274 of 2011.

State is represented.

The challenge in the Original Application was with regard to appointment in Kolkata Police pursuant to a selection process of 2009 on the ground that, writ petitioner was included in the panel after selection and that, there were vacancies available.

We considered such a paradigm in our decision dated June 27, 2023 passed in WP.ST 274 of 2011, where, we held that, the panel expired one year from the date of communication of the order dated April 20, 2010 passed by the West Bengal Administrative Tribunal in another Original Application.

The writ petitioner is before us against an order dated September 12, 2012 passed by the Tribunal. There is a question of unexplained delay involved. The writ petitioner seeks to explain the delay on the ground that he became aware of the pendency of the WP.ST 274 of 2011 and two other writ petitions, in which the order dated June 27, 2023 was passed, subsequently.

We are unable to accept such explanation for condonation of delay. We find that, the writ petitioner was sitting in the fence awaiting decision. This conduct cannot be accepted.

In such circumstances, we are not minded to grant any relief to the writ petitioner.

WP.ST 139 of 2023 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)