

05.10.2023
Item No.4
Ct. No.5
CHC
(dismissed)

WP.ST 142 of 2023

Aktar Jomader & anr.
Vs.
The State of West Bengal & ors.

Mr. Sutirtha Das
...for the writ petitioners

Mr. Tapan Kr. Mukherjee, Sr. Advocate & AGP
Mr. Pinaki Dhole,
Mr. Sayan Datta
...for the State

The writ petition is directed against an order dated **December 16, 2011** passed in **O.A.432 of 2011** by the West Bengal Administrative Tribunal.

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

Learned advocate appearing for the writ petitioners 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 petitioners were 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 petitioners are before us against an order dated **December 16, 2011** passed by the Tribunal. There is a question of unexplained delay involved. The writ petitioners seek to explain the delay on the ground that they 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 petitioners were 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 142 of 2023 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)