

MAT 2060 of 2023

(Biswajit Sahoo . Vs. W.B.S.E.D.C.L. & Ors.)

With

IA No. CAN 1 of 2023

**Mr. Sukumar Ghosh
Mrs. Moumita Ghosh**

..... For the Appellant

Mr. D. Mukherjee

..... For the W.B.S.E.D.C.L.

The present appeal has been preferred challenging an order dated 26th September, 2023 passed in a writ petition being WPA 2176 of 2023.

Mr. Ghosh, learned advocate appearing for the appellant submits that after emerging to be successful in the written test and the *viva voce*, the appellant submitted the computer certificate. The respondents thereafter maintained a deceptive silence and did not even intimate that the computer certificate submitted by the appellant is not acceptable to them. The said fact, though urged before the learned Single Judge was glossed over and no find was returned on the same. Such infirmity warrants interference of this Court.

He further submits that repeated representations submitted thereafter were also not responded to and the appellant's claim was illegally kept in abeyance without communicating any reason.

Per contra, Mr. Mukherjee, learned advocate appearing for WBSEDCL submits that the appellant did not submit a proper computer certificate, as

required under the scheme for appointment on compassionate ground. The *viva voce* test was held on 6th September, 2013 and the fact that the computer certificate, as submitted at that juncture, was not acceptable to the authorities was duly communicated to the appellant and such fact stands admitted in the last representation submitted by the appellant on 26th of April, 2023. In view of the delay which has occurred and as the death occurred in the year 2010, the learned Single Judge rightly did not exercise any discretion in favour of the appellant.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the appellant did not approach the authorities with a proper computer certificate, as required under the scheme. The fact that such certificate was not acceptable to the authorities was within the knowledge of the appellant since the year 2013, as would be explicit from the appellant's representation dated 26th April, 2023. However, the writ petition was filed in the year 2023 without any proper explanation of the delay.

In the said conspectus, the learned Single Judge rightly did not accept the appellant's prayer for appointment on compassionate ground.

We do not find any infirmity in the said order and as such no interference is called for.

The appeal being MAT 2060 of 2023 and the connected application being CAN 1 of 2023 are, accordingly, dismissed.

There shall, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Gaurang Kanth, J.) (Tapabrata Chakraborty, J.)