

77 13.03.23

Ct. No. 04

akd

WP.ST. 138 of 2022

Gurudas Hajra

Vs.

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya,

Mr. Sasthi Charan Dhara,

Mr. Raju Bhattacharyya.

... for the petitioner.

Ms. Piyali Sengupta,

Mr. Victor Chatterjee.

... for the respondent

nos. 2 to 5.

A stale claim is sought to be resuscitated after a considerable period of time to approach the Tribunal and taking a plea that the rule of the game should not be changed after the publication as well as the last date of submission of the application.

The Tribunal was approached challenging the entire selection process ensued in the year 2018 solely on the ground that they cannot change the syllabus before the declaration of the date for examination.

Indubitably, the written examination was held on 28th April, 2018 and after completing the same the Public Service Commission recommended the name of the successful candidates on 28th May, 2019. Admittedly the petitioner did not sit in the examination. What he perceived that sudden change of the syllabus has created obstacle and/or hurdle in participating in the said examination. The petitioner sat over the matter for a considerable period of time and approached the Tribunal on 3rd February, 2022. A plea is sought to be taken that a representation was made on 6th May, 2019, but the same was not taken into consideration by the authority.

Even if we consider that the petitioner had promptly approached the authority raising a grievance, yet we do not find what constrained him in not approaching the Tribunal immediately upon perceiving that the said representation has been kept in suspended animation. The examination is over and the recommendation has already been made by the Public Service Commission and, therefore, we find that the petitioner is guilty of gross negligence and the delay can be attributable to his conduct. The Tribunal on such score dismissed the said application.

We thus do not find any ground warranting interference with the impugned order.

The writ petition is accordingly dismissed.

There will be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)