

Item-
ML-4. 08-01-2024

sg Ct. 8

FMA 243 of 2016
CAN 1 of 2022

Basanti Nandi
Versus
The State of West Bengal & Ors.

Mr. Saibal Acharjya, Adv.
Md. Usuf Ali, Adv.

...for the appellant

Mr. Shamim Ul Bari, Adv.

...for the DPSC Malda

Mr. Supriyo Chattopadhyay, Adv.

Mr. Sumen Dey, Adv.

...for the State

1. Affidavit of service filed in Court today is taken on record.
2. By consent of the parties, the appeal and the application are taken up together and disposed of by this common order.
3. The appellant relied upon a Gazette Notification dated 19th May, 2009 which requires 5 time the number of vacancies should be called for an interview. According to the writ petitioner, there are 187 vacancies but the number of candidates was 628. With such formula, it is the contention of the writ petitioner/appellant that she should be under the zone of consideration for interview.
4. The learned Single Judge was of the view that the writ petitioner had participated in the selection process and she was unsuccessful in the written examination. She is, therefore, not entitled to call for interview.
5. It appears that the writ petitioner filed an application under the Right to Information Act, 2005 on 12th February, 2015 in respect of a notification that was issued on 19th May, 2009.
6. We could not find any plausible explanation for not approaching the Court soon after the writ petitioner found

that she was not called for the interview. However, it appears from the reply of the concerned officer of the Malda District Primary School Council that the process is still continuing. The learned Single Judge observed that in the event the appellant/writ petitioner is aggrieved by the information furnished, she should have filed an appeal as provided under the said Act. The petitioner between 2015 till November 2022, when the stay petition was filed, did not file any appeal under the Right to Information Act. There is an inexcusable delay and third party interest may have been included in the meantime.

7. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge. The appeal and the applications stand dismissed. However, there shall be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)