

Item- 10.	09-04-2024	FMA 340 of 2024 CAN 1 of 2024
sg	Ct. 8	Nabakumar Mukherjee Versus State of West Bengal & Ors.

Mr. Achintya Kumar Banerjee, Adv.
...for the appellant
Mr. Sourav Chowdhury, Adv.
Ms. Oindrila Chatterjee, Adv.
...for the respondent

1. The appeal is arising out of an order dated 2nd January, 2024 passed by the learned Single Judge in a writ petition in which the appellant has prayed for a direction for absorbing the writ petitioner as the best suitable candidate for the post of Lower Division Clerk amongst the general caste candidates of the said Examination and not to give effect any appointment without the present petitioner to the post.
2. The notification for the recruitment requires that at the time of personality test, a candidate would require to produce certificate to show that he had undergone training in operating computer. Admittedly, during the personality test, he could not produce any certificate to show that he has undergone training in operating computer from any recognized institute.
3. Mr. Achintya Kumar Banerjee, learned Counsel appearing for the appellant has submitted that although it was submitted before the learned Single Judge that knowledge in computer operation is not essential, the fact remains that he obtained the certificate in 2008 prior to he was called for personality

test but due to mistake, he could not produce the said certificate at the time of personality test. Mr. Banerjee, has referred to the representation made to the Chairman by the writ petitioner on 31st October, 2012 after the list was published.

4. In view of the fact that the valuable right has accrued in favour of the candidates who have been selected on the basis of compliance of all the required formalities, we are unable to grant any relief to the writ petitioner. In fact, in the representation it has been recorded that he approached the Chairman after he did not find his name in the list of successful candidate.
5. On such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge. The appeal and the application stand dismissed. However, there shall be no order as to costs.
6. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)