

10.04.2024
Item No.1
Ct. No. 238
AKG

WPA 18571 of 2011
With
CAN 2 of 2012 (Old CAN 11253 of 2012)
(Not Found)
With
CAN 3 of 2023
Khondekar Jinnatul Islam
Vs.
The State of West Bengal & Ors.

Mr. Nilendra Narayan Ray	...for the Petitioner
Mr. R. N. Chakraborty, Mr. A. De	...for the University
Mr. Bhaskar Prasad Vaisya, Mr. Suman Dey	... for the State

CAN 3 of 2023

This is an application for restoration. The matter was dismissed for default on November 26, 2012 by a Co-ordinate Bench of this Court. After about 12 years, by filing this restoration application, the petitioner submits that he had no knowledge about the dismissal order dated November 26, 2012. When he came to know about the dismissal order, without any further delay, he filed this application for restoration.

The prayer for restoration has been vehemently opposed by the university. The university submits that there has been no explanation at all for the towering delay of about 12 years.

It has been submitted by the university that the petitioner has failed to show his due diligence in prosecuting the matter. Therefore, the restoration

application should be dismissed. Though I am not convinced with the explanation furnished by the petitioner regarding the delay, for the ends of justice, I allow the restoration application after condoning the delay.

Accordingly, **CAN 3 of 2023** is disposed of.

WPA 18571 of 2011

By filing this writ petition, the petitioner has challenged the appointment of the Deputy Registrar, the Registrar and the Controller of Examination of the university. It is an admitted position that during pendency of this writ petition, the persons who had been appointed as the Registrar and the Controller of Examination have passed away. Therefore, this writ petition has become infructuous insofar as the challenge thrown to the appointment of the Registrar and the Controller of Examination. The Deputy Registrar is, however, continuing with his post.

It has been submitted by Mr. Ray, learned advocate appearing for the petitioner that in appointing the Deputy Registrar, the university did not follow the recruitment rules. There was no publication in the newspaper inviting applications from the eligible candidates. The appointment was made without any transparent recruitment process.

The allegations of the writ petitioner are denied by the university. The university submits that there

was an advertisement inviting applications from the eligible candidates.

I am not inclined to enter into the controversy as raised by the parties.

At the time of filing the writ petition, the petitioner was holding the post of Assistant Professor of Computer Science. The petitioner submits that during pendency of this writ petition, he has been terminated from his service. This is not a public interest litigation. Unless the petitioner is personally aggrieved by the appointment of the Deputy Registrar, he cannot maintain this writ petition before this Court to challenge the appointment. The petitioner has failed to demonstrate before this Court as to what made him personally aggrieved due to the alleged illegal appointment of the Deputy Registrar. Accordingly, I am not inclined to entertain this writ petition.

WPA 18571 of 2011 is dismissed and accordingly, CAN 2/2012 is also disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)