

Item-41. 24-01-2024

MAT 2293 of 2023
CAN 1 of 2023

sg Ct. 8

Mani Pramanik @ Moni Pramanik
Versus
Raj Kumar Mondal & Ors.

Mr. Anindya Lahiri, Adv.
Mr. Arkadipta Sengupta, Adv.
Mr. Tirthankar Dey, Adv.
Ms. Aayushi Mukherjee, Adv.
...for the appellant
Ms. Nilanjana Adhya, Adv.
Md. Maznu Ahmed, Adv.
...for the writ petitioner

1. Supplementary affidavit 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 writ petitioner is an unsuccessful participant in connection with appointment of FPS Dealership at village Laxmipur within Nazirpur Gram Panchayat under Police Station Manikchak in the District of Malda. After the petitioner admittedly participated in the selection process notwithstanding the ignorance, now the petitioner canvassed wrong description of Upper Primary School as Laxmikol Upper Primary School instead of Laxmipur as the ground for setting aside of the notification and appointment of the appellant.
4. The writ petitioner admittedly was not misled by such mistake with regard to name of Upper Primary School as a landmark for the location and participated in the

selection process.

5. The State respondents filed affidavits disclosing that large number of applications were received pursuant to the vacancy notification and after proper evaluation, the present appellant was selected.
6. At this stage, the private respondent has filed a writ petition questioning that due to the mis-description of the location namely, Laxmikol Upper Primary School instead of Laxmipur Upper Primary School, a large number of eligible candidates could not participate.
7. We are unable to accept the said submission. It is trite law that an unsuccessful person cannot challenge selection process or any mistake in the advertisement as the said advertisement did not affect his right. Moreover, it appears that a large number of applications were filed notwithstanding mentioning of Laxmikol instead of Laxmipur as the village has been correctly described as Laxmipur in the Block Manikchak within Nazirpur Gram Panchayat. These three, in our view, are essential details without which the vacancy notification would have been incomplete and could have been a ground for cancellation of the notification.
8. On such consideration, we set aside the order passed by the learned Single Judge. The appeal and the connection application are, accordingly, disposed of. However, there shall be no order as to costs.

9. 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.)