S/L 20
12.11.2026
Court No.04
B.K.N

F.M.A. 534 of 2026
With
CAN 1 of 2026

Vivekananda Das
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Pritha Biswas,
Ms. Upasana Sarkar

... for the Appellant.

Mr. Falguni Bandyopadhyay, Sr. Govt. Adv.,
Mrs. Sreetama Neogi

... for the State Respondents.

1. Heard the learned advocate for the appellant.
2. The sum and substance of the appellant's claim today is for recasting of a panel prepared for recruitment of Primary Teachers based on an advertisement published in the year 2006. Two decades have passed in between. It is apparent from the record that the appellant was not even a candidate in the said recruitment process. The cancellation of the panel and recasting of the panel of 2006 is sought by alleging various irregularities in that proceeding.
3. Keeping in background the nature of claim espoused by way of a writ petition, we proceeded to consider the order under appeal. By the order under appeal the Hon'ble Single Judge has dismissed the restoration application which was filed after an inordinate delay of more than a year from dismissal of the writ petition in default. The Hon'ble Single Judge relying upon decision of the Hon'ble Apex Court in the case of ***State of Odisha & Ors. –Vs.- Managing Committee of***

Namatara Girls' High Schools reported in ***2026 INSC 148*** found that no case was made out for condonation of delay in filing the restoration application.

4. The learned advocate for the appellant submits that the order under appeal be set aside and the petitioner's writ petition be heard on merits. It is submitted that there is no strict application of the Limitation Act in a writ proceeding and, therefore, the entire premise on which the application for condonation of delay in filing the restoration has been dismissed, is unsustainable.

5. We have considered the facts and circumstances, noted above.

6. We find substance in the submissions of the learned advocate for the appellant that the Limitation Act does not apply to the proceedings in question. However, by now it is well established that the writ proceedings are governed by the principles of delay and latches. In a writ proceeding, therefore, the period of delay is not paramount. What is required to be seen is whether the delay is coupled with latches or not.

7. Having considered the application for condonation of delay filed before the Writ Court at the time of consideration of the restoration application, and the reply of the respondents thereto we find that the same reveals a very casual approach. It is an apparent case of latches on the part of the writ petitioner. The application is devoid of any reference to dates to show a diligence on

the part of the writ petitioner in pursuing filing of the restoration application.

8. Therefore, and also keeping in background the nature of claim espoused by the writ petition, recorded above, we find no reason to interfere with the order of the Hon'ble Single Judge Bench dismissing the restoration application.
9. The Intra Court Appeal is dismissed.
10. Pending application, if any, also stands dismissed.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)