

23.03.2026
rpan/11

MAT 1323 of 2025
+
IA No.: CAN 1 of 2025 (Sec. 5)
+
IA No.: CAN 2 of 2022 (App. Order)
Sri Ananda Halder
– *Versus* –
The State of West Bengal & Others

Mr. Kamal Mishra,
Mr. Pratap Sanfui
... for the Appellant
Mr. Swapan Kr. Datta,
Mr. Tapas Kr. Roy
... for the State/Respondents.
Mr. B. P. Vaisya,
Mr. Gourav Das,
Ms. Tapati Sarkar
... for the DPSC.

IA No.: CAN 1 of 2025 (Sec. 5)

This is an application for condonation of delay in preferring the appeal.

Mr. Mishra, learned Advocate appearing for the appellant/applicant, submits that the delay was not intentional and occurred due to circumstances beyond the control of the appellant/applicant. He further submits that the appellant has a fair chance of success in the appeal and, as such, a meritorious matter ought not to be rejected on a technical ground.

The learned advocates appearing for the respective respondents have left the matter to the discretion of this Hon’ble Court.

Having noted the submissions made on behalf of the respective parties, and upon perusal of the averments made in the application, we are satisfied that there was sufficient

cause which prevented the appellant from preferring the appeal within the period of limitation prescribed therefor.

Accordingly, the delay is condoned. The application, being IA No.: CAN 1 of 2025 is disposed of.

MAT 1323 of 2025
+
IA No.: CAN 2 of 2025

This appeal has been preferred to assail the order dated 8th July, 2024, passed in a writ petition, being WPA 9180 of 2023. By that order, the writ petition was dismissed.

The facts leading to the filing of the present appeal are that the appellant/writ petitioner, a candidate belonging to a Scheduled Caste community, applied for the post of Assistant Teacher in a primary school in the selection process of 2005. However, initially he was not allowed to participate in the selection process undertaken by the Council to fill up the posts of Assistant Teachers in primary schools in the year 2005. Aggrieved thereby, he preferred a writ petition, being WP 22957 (W) of 2005, which was disposed of by a learned Single Judge of this Court by an order dated 21st December, 2005, directing the District Primary School Council concerned to consider the candidature of the writ petitioner in the next selection process to be conducted by the Council.

Pursuant thereto, the appellant/writ petitioner submitted his candidature for the post of Assistant Teacher in the selection process of 2006. The examination in relation to the 2006 selection process was conducted in 2009, and the result was published in 2010, based on which a panel was prepared for the post, which expired on 31st August, 2012.

In 2020, the appellant/writ petitioner submitted a representation before the concerned Council, inter alia claiming that, although he was allowed to participate in the selection process of 2009, he could not succeed since the selection process was conducted in accordance with the recruitment rules of 2009.

Mr. Mishra submits that, though the selection process was initiated in 2006, the examination was conducted in 2009, and in the meantime, many meritorious candidates applied for the post; hence, the petitioner has been deprived of a fair chance to compete.

In rebuttal, Mr. Das, learned Advocate appearing for the Council, submits that the appellant is an untrained candidate, and in 2009, two different selection processes were conducted, in which the appellant's candidature was duly considered. However, he secured only 39.139 marks, whereas the cut-off marks for candidates belonging to the SC category were 42.811. He further submits that, in the selection process initiated in 2006 and conducted separately for untrained candidates in 2009, the appellant's candidature was duly considered; however, as he failed to secure the prescribed cut-off marks, he was not selected for appointment.

Let the written instructions, as placed by Mr. Das, be kept on record.

Mr. Roy, learned advocate appearing for the State/respondents, adopted the submissions advanced by Mr. Das and prays for the dismissal of the appeal.

Heard the learned advocates appearing for the respective parties. Perused the materials on record.

As noted above, the writ petitioner/appellant submitted his candidature for the post of an untrained candidate belonging to the SC category in 2006. In a separate selection process conducted in 2009, the petitioner's candidature was considered, and as he could not secure the cut-off marks, no appointment was granted in his favour.

Therefore, considering this aspect, we do not find any justification to interfere in the appeal.

Accordingly, the appeal and the connected application are, thus, dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)