



IN THE HIGH COURT OF SIKKIM

ORDER SHEET

...CIA...31-2005...(Arising out of.....No. of 200
 WO 37/2005
DHUDAN DAS GUPTA..... Petitioner / Appellant

Versus

...UNION OR INDIA & ORS..... Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	26-8-2005	<p>Upon hearing Mr. N.B. Kharga, learned counsel for the petitioner assisted by Miss Sapna Rai and Mr. Karina Thinlay, learned Central Govt. Standing Counsel at some length, Mr. N.B. Kharga, learned counsel in his usual frankness submitted that he desires to withdraw this writ petition. During the course of motion hearing, this Court made a query with regard to the followings :-</p> <ol style="list-style-type: none"> 1. How the present writ petitioner passed the Matriculation examination when he attained the age of 13 years? 2. How he joined his service under the respondent department as Mazdoor when he attained the age of 16 years? 	



of
Jer

of
Order

Order with Signature

Office Note as to
action (if any)
taken on Order

3. How the petitioner obtained National Open School certificate for Senior Secondary School Examination Certificate in the year 1991 while he was in service and whether he obtained the prior permission from the authority concerned or not?

4. How the petitioner could claim his right on the ground that he was selected for the post of Telecom Technical Assistant (previously called Technician) in the year 1983 in pursuance of the advertisement published by the authority concerned for appointment to such post of Technician on 10-6-1983 at a belated stage?

The petitioner did not append a copy of the related advertisement dated 10-6-1983 to the writ petition nor did he append a copy of the select list where his name finds place. We express^{ed} in the course of the motion hearing in the open Court that photo copies of these documents pertaining to



Serial
No. of
Order

Date
of
Order

Order with Signature

Office Note as to
action (if any)
taken on Order

the educational qualifications of this petitioner so far produced by the learned counsel at the time of hearing are not free from doubt. We had the mind to verify the same through the appropriate authority. Be that as it may, even the petitioner is selected for the post of Technician at the relevant time, the life of the penal list had expired long long back i.e. 20 years back. It is well settled that a selected candidate cannot claim for appointment as of right even though his name is in the select list and the select list has its life. In the case in hand, the petitioner approached this Court after more than 21 years from the date of alleged selection which was made in the year 1983. This case deserves its outright rejection on the ground of inordinate delay as the delay defeats justice. However, the prayer of the writ petitioner through his learned counsel, Mr. N.B. Kharga is accepted and the case is closed on withdrawal.

1,

191

191




Serial
No. of
Order


Date
of
Order

Order with Signature

Office Note as to
action (if any)
taken on Order

In view of the order passed today in main Writ
Petition, this Civil Misc. Application No.31 of
2005 has become infructuous and accordingly, it
is dismissed.


(N. Surjamani Singh)
Chief Justice(Acting)


(A.P. Subba)
Judge