

15.01.2021
Sl. No.41
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M.A.T. 183 of 2020
(CAN 1 of 2020) (Old CAN No. 2931 of 2020)
(via video conference)

[Smt. Manjushree Suin -Vs- The State of West Bengal & Ors.]

Mr. Anindya Bose
Mr. Amit Kumar Saha
... .. for the appellant

Dr. Sutanu Kr. Patra
Ms. Supriya Dubey
... .. for the West Bengal School
Service Commission

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
... .. for the State

By consent of the parties, the appeal and the connected application are treated as on day's list and disposed of by this order.

The appellant participated in the recruitment process initiated by the West Bengal School Service Commission, 12th RLST (AT), 2011, for the post of Assistant Teacher. At the time of filling up the form, she disclosed her identity as OBC-B category candidate. Her original certificate issued in the year 2007 by the SDO concerned did not indicate as to whether the appellant belongs to OBC-A or OBC-B category. According to the appellant, she found that the merit list was published in the year 2011 but did not feature her name. The selection process commenced and panel was prepared in the year 2013 and carried on till 2015. The appellant obtained certificate from the SDO concerned where she found that she belonged to OBC-A category. She made representation to the concerned authorities

and failure to receive any response, the writ application was filed.

It is not in dispute that in the application for participation in the selection process she disclosed her status as OBC-B which was rectified in the year 2015 only after the panel was prepared and appointments were made from the panel. The grievance of the appellant appears to be that the authority concerned should have recast the panel by taking into consideration that her status is OBC-A and not OBC-B which was originally declared.

The prayer which is made before us, if allowed, it would completely alter the panel which has been prepared. Moreover the said panel is no more in existence after September, 2015. Had there been a contemporaneous correction prior to the preparation of the panel, we could have directed the authorities for considering such claim but the belated claim made after the panel was prepared and which has expired by this time would really unsettle the entire selection process which cannot be allowed at this stage.

On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge.

The appeal and the application are accordingly, dismissed.

There shall be no order as to costs.

Urgent xerox certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)

