

WPA 3855 of 2020

**Mithu Rani Ghosh (Pratihari)
Vs.
Union of India & Ors.**

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Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji
Mr. Snigdha Saha
Mr. Pronay Basak
... For the Petitioner

Mr. Jaharlal De
Mr. Sougata Mitra
... For the State

Ms. Rama Ghosh Dastidar
... For the Respondent nos. 1 & 2

The State has filed report as directed.

It appears that the private respondent obtained 36 marks in written examination while the petitioner obtained 37 marks. However, in the viva-voce the petitioner was awarded 6.8 marks whereas the private respondent was awarded 8.4 marks. As a consequence thereof the petitioner came to the rank second to the private respondent.

Mr. Uday Sankar Chattopadhyay, learned counsel appearing on behalf of the petitioner, submits that the composition of the Selection Committee is contrary to law and other available Rules and local MLA could not have participated as a member of the Selection Committee in view of Central Government guidelines relating to ICDS project. He refers to Guidelines for Appointment of Anganwadi Workers dated 9th December, 2013 and communicated dated 18th October, 2010 issued by the Ministry for Women and Child Development of the Central

Government. He has referred to other Circulars which suggests that members of the Legislative Assembly and Councillor cannot participate in the selection process of Anganwadi Workers and Helpers under ICDS scheme.

Mr. Jaharlal De, learned counsel appearing on behalf of the State, refers to Notification of the State Government dated 25th January, 2006, which specifically prescribed that member of the Legislative Assembly of the area would be a member of the selection process.

This Court finds that the composition of Selection Committee was duly notified and it is also available in public records. It is now well settled that an unsuccessful candidate is not permitted to turn around and challenge the selection process or composition of the Selection Committee after the result was published and after having participated in such selection process.

For the reasons hereinabove, no further order can be passed in this writ application.

WPA 3855 of 2020 stands dismissed.

There will 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 formalities.

(Rajasekhar Mantha, J.)

