

01.09.2021  
Sl. No.6  
srm

**W.P.A. No. 11593 of 2021**  
**Rina Rani Karmakar**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Habibur Rahman

...for the Petitioner.

Mr. Biswabrata Basu Mallick,

Mr. Sayan Ganguly

...for the State-respondents.

Affidavit of service is taken on record.

The petitioner seeks implementation of an order passed by a co-ordinate Bench of this Court dated June 22, 2011. By the said order, this Court directed the authority to dispose of a representation made by the petitioner on November 24, 2010. It is submitted by the petitioner that despite the order of this Court, the authority failed and neglected to dispose of the representation of the petitioner.

Alleging such inaction, the writ petition has been filed and the petitioner prays that the order of this Court may be complied with.

Mr. Basu Mallick, learned Advocate appearing on behalf of the State-respondents, submits that the office of the Block Development Officer, Goalpokher-II, District-Uttar Dinajpur, the respondent No.4, has not traced out any such

representation or order of this Court. He submits that such order was never communicated to the respondents.

There is nothing on record before this Court showing that the order of this Court was either communicated or that aggrieved by the inaction of the authority, the petitioner had approached the respondents for disposal of his representation. Suddenly after 11 years, the petitioner has woken up from his slumber and has approached this Court for a mandatory direction upon the authorities to dispose of his representation. The allegations are that the respondent No.7 has been appointed to a post of ASHA karmee without following the rules and regulations.

On a perusal of the representation of the petitioner, it appears that the petitioner who is an unsuccessful candidate in the selection process has alleged that, it is her presumption that one of the members of the selection board had given her a zero and thus she was not appointed.

It is settled law that an unsuccessful candidate cannot challenge the recruitment process. There is no basis for the assumption of the petitioner that the petitioner was given a zero by one of the members of the selection board. Moreover, in these 11 years several recruitment processes have taken place. The petitioner never applied for any of the recruitment processes. There is also no explanation as to why the petitioner

has moved this writ petition after 11 years. Nothing remains to be decided in the writ petition.

The writ petition is dismissed on the ground of delay as also on the ground that an unsuccessful candidate cannot challenge a recruitment process except in cases when *mala fide* or infraction of the recruitment rules are apparent on the face of record. Subjective satisfaction of an interviewer and the contrary assessment of a candidate cannot be subject matters of challenge before the writ court.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**