

08.11.2021
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Sl. No. 5
Ct. No. 05

WPA 13846 of 2021

[Via Video Conference]

Basab Chatterjee
-Versus-
State of West Bengal & Ors.

Mr. Raghunath Adhikary
Ms Bandana Maity

.... for the petitioner

Ms. Chaitali Bhattacharya
Mr. S.T. Mina

.... for the State

Matter pertains to appointment of assistant head master in Subhasganj High School (for short 'the said school'), Uttar Dinajpur. The grievance voiced on behalf of the writ petitioner is that he is the second candidate in the panel prepared for appointment in the post of assistant head master in the said school. The interview for preparation of panel for appointment in the post of assistant head master was held on 16th August, 2011. According to the writ petitioner, the first empanelled candidate was one Manas Kr. Deb. It has been submitted on behalf of the writ petitioner that said Manas Kr. Deb presently is not interested to join the said post of assistant head master since he has been appointed in another school. During course of submission advanced on behalf of the writ petitioner, attention has been drawn to the order dated 21st April, 2021 passed by the Hon'ble Division Bench wherefrom

it appears that one appeal was preferred by said Manas Kr. Deb numbered as FMA 14 of 2018 which was dismissed being not pressed. It has been contended on behalf of the writ petitioner that since the first empanelled candidate is not interested to join the said post of assistant head master in the said school being the second empanelled candidate he should be permitted to be appointed in the said post. On query it has also been submitted on behalf of the writ petitioner that though the panel was prepared in the month of August, 2011 but the writ petitioner could not take any steps for redressal of his grievance since the first empanelled candidate Manas Kr. Deb filed writ petition before this Court.

Ms. Chaitali Bhattacharya, learned senior Government advocate, appears on behalf of the State respondents and submits that at this belated stage the claim of the writ petitioner ought not to be considered since the panel was prepared on 16th August, 2011 and it stood expired after the period of 1 year. It has further been submitted on behalf of the State respondents that no formidable explanation has been offered explaining the delay made by the writ petitioner in approaching this Court.

This Court having considered the submissions made on behalf of the respective parties finds that panel for the post of assistant head master was prepared in

the month of August, 2011 where according to the writ petitioner he is stood second and Manas Kr. Deb stood first. In terms of the relevant Recruitment Rules, the life of the panel stood expired after the period of 1 year from the date of preparation of panel in August, 2011. From averments made in the writ petition it cannot be deciphered that when the first empanelled candidate approached this Court by filing the writ petition. This is an important aspect while considering the delay made by the present writ petitioner in approaching this Court. No particulars have been indicated in the present writ petitioner with regard to instituting litigation by the first empanelled candidate before this Hon'ble Court. The present writ petitioner previously filed one writ petition being WPA 2035 of 2021 which was dismissed since not being pressed and the Court was kind enough to grant opportunity to the present writ petitioner to file fresh writ petition with better particulars by order dated 24th March, 2021. Subsequently the writ petitioner has filed the present writ petition but again on perusal of the averments made in the writ petition it appears that the necessary particulars which are required for considering the delay made by the writ petitioner in approaching this Hon'ble Court is absent. This Court cannot ignore the relevant provisions of the Recruitment Rules which prescribes the lifetime of a panel is 1 year. Since the panel was prepared in August, 2011 therefore

it is presumed that the same stood expired in the month of August 2012. Today we are at the end of the year 2021, therefore at this belated stage in view of devoid of relevant particulars no relief can be granted in favour of the writ petitioner. Accordingly the writ petition is dismissed.

Affidavit-of-service filed in Court today be kept with the record.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)