

Sl.no.J-3
17.11.2021.
Court. No. 19
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WPA 2073 of 2021

Dulali Saha & Anr.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Ms. Papiya Chattopadhyay
... for the Petitioners

Mr. Moloy Singh,
Mr. Debasish Basu.
... for the State

Let affidavit of service is taken on record.

The petitioners are aspirants for the post of Anganwadi Helpers under the Child Development Project Officer, Tufanganj-II I.C.D.S. Project, Coochbehar.

The petitioners pray that a mandamus be issued directing the authorities to conclude the selection process and publish the result. A further prayer has been made for restraining the authorities from filling up the posts.

Records reveal that there have been series of litigations with regard to selection process. The process had been initiated in the year 2009, by the authorities.

Mr. Singh, learned advocate appearing on behalf of the authorities submits that each and every office order which was issued from time to time in order to

complete the process was challenged by one aspirant or the other before this Court and interim orders were passed. It also appears that one Sahera Bibi, approached this Court for being allowed to intervene in an earlier writ petition. It also appears to the Court that several litigations have been filed with prayers similar to the one made in this writ petition.

The State respondents have filed their written version, from which it appears that the constitution of the selection committee had been challenged before this Court and the said selection process had been stayed by an order dated September 14, 2012 in a writ petition being W.P 3002(W) of 2013. Ultimately, the said writ petition was dismissed for default and the authorities once again started the process by issuing memo no. 5047-SW/3S-183/16 dated July 3, 2019. The Chairman and vice Chairman of the District Selection & Monitoring Committee, Coochbehar were changed. Thereafter, the said memo dated July 3, 2019 was challenged in a writ petition being WPA 820 of 2019 before the Circuit Bench at Jalpaiguri and by an order dated January 28, 2020, an interim order was passed restraining the authorities from initiating any selection process on the modified memorandum. The writ petition was ultimately dismissed on September 21, 2021. In view of the protracted litigation

and several orders that have been passed, the selection process could not be completed.

It is within the domain of the State respondents to decide whether to cancel the selection process or substitute such process by initiating a fresh recruitment process. Of course, it goes without saying that whatever decision is taken by the said authorities, the same must be strictly in accordance with law and should not be either arbitrary or mala fide. In this case, the State respondents have not yet taken a final decision after the last writ petition has been dismissed.

Thus, I do not find any reason to issue a mandamus upon the State respondents. However, the authorities shall take a final decision with regard to the process as to whether the same shall be cancelled or continued with on the basis of the memo dated July 3, 2019 or not, within a period of three months from the date of communication of this order.

It is made clear that this Court has not gone into the merits of the claims and counterclaims of the parties and this order shall not be construed as a direction upon the authorities to appoint the petitioners.

The said decision shall be communicated to the petitioners with reasons.

The documents filed before this Court is taken on record.

The writ petition is disposed of.

There will be, however, no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)