

S/L 5
05.08.2022
Court. No. 22
*Sourav/
Suwayan*

WPA 2531 of 2009

**Manjura Bibi
Vs.
The State of West Bengal & Ors.**

*Mr. S. P. Pahari
Mr. A. Prodhan
Mr. T. K. Mahapatra*

...for the Petitioner.

Mr. Dilip Kumar Saha

...for the respondent nos. 5 and 6.

Mr. Amaresh Prodhan, learned Counsel appears for the petitioner.

Mr. Dilip Kumar Saha, learned Counsel appears for the respondent nos. 5 and 6.

Affidavit-of-service filed in Court today pursuant to the direction made on July 20, 2022, is taken on record.

The writ petitioner seeks to challenge his disqualification for the post of Group – D staff in respect of the selection process for **Kumarpur High Madrasah, P.O. Kumarpur, Dist- Purba Medinipur** (for short, ‘the School’).

The State authority sanctioned and approved the selection and appointment of a Group – D staff at the said School by its communication dated September 4, 2008. The specific qualification prescribed for appointments for such sanctioned post for a candidate holding a certificate for passing Class-VIII from any recognized school or Madrasah with an ability to read Madrasah to Bengali. The petitioner

traveled up to the interview stage. After participation in the interview held on January 18, 2009, he raised an objection on January 19, 2009, ***Annexure P-3*** to the writ petition. The grounds taken in such objection were that the petitioner had a better academic career than what was the requisite qualification for the post and as such was deserved to be empanelled in the first position. The petitioner had performed in the interview of the selection process better than any other candidates including in the written examination held. The Selection Committee had not been properly constituted as the nominee of the Panchayat Samiti was nominated by the Sabhapati was illegal. The Sabhapati who was nominated was not the member of the relevant Panchayat Samiti. Despite this objection being raised in writing dated January 19, 2009 before the 3rd respondent, the same had not been disposed of and considered.

Mr. Dilip Kumar Saha, learned Counsel appearing for the School Authority submits that, the entire selection process was made strictly in compliance with the relevant recruitment rules prevailing on the issue. In fact, the petitioner attended the interview and only, thereafter, having realized that he could not perform well, he raised an objection immediately on the next day by his letter dated January 19, 2009.

Referring to ***Annexures R-2, R-3, R-4 and R-5*** to the affidavit-in-opposition affirmed on June 30, 2009, he submitted that every rule was duly complied with and the Selection Committee was constituted in strict compliance of the Rules. He submitted that the writ petition is thoroughly

misconceived and as not maintainable and should be dismissed.

None appears for the State.

After hearing the learned appearing Counsel for the parties and on perusal of the record, it appears to this Court that, the selection process was of 2009, which had been completed and is in effect and had been set on motion for last more than 12 years. ***Annexure R-1*** to the said affidavit-in-opposition clearly specified the qualification to be Class-VIII and the selection stipulation did not provide for any credit to be given if, candidate possesses any higher qualification. Merely attending an interview would not create any right for empanelment in favour of a candidate. The performance of the petitioner in the interview held in 2009 is not proper to be assessed after more than 12 years that too this involves a pure question of fact and also no evidence to the contrary is on record in support of the contention of the writ petitioner.

In view of the foregoing discussions and reasons, this Court is of the considered view, that the panel of 2009 should not be interfered with at this stage in 2022.

In view of the above, the writ petition being **WPA 2531 of 2009** stands dismissed.

The learned Counsel appearing for the parties submit that no connected application is pending.

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

(Aniruddha Roy, J.)