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24.02.
2022
Ct. No.17

WPA 4899 of 2020

**Vara Satyanarayana Marthi
Vs.
The State of West Bengal & Ors.**

**Mr. Ujjal Roy
Mr. Arpa Chakraborty
.....For the Petitioner
Dr. S. K. Patra
Ms. Supriya Dubey
.....For the SSC
Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
.....For the State**

The case of the petitioner is that four vacancies were declared for the post of Headmaster for the 1st State Level Selection Test in the year 2017.

Learned advocate for the School Service Commission submits that in the panel three vacancies were shown.

Learned advocate for the petitioner submits that even though there were three vacancies, one of the empanelled candidates, namely, R. Sai Sridhar after filing an application being W. P. 3954 (W) of 2005 which was disposed of on 10.07.2019 joined his own school where he was the assistant teacher and there he joined as Headmaster. Therefore, one vacancy remained out of the three declared vacancies. As the petitioner was placed in wait list no.1 he is entitled, according to the petitioner to be recommended for the post of Headmaster in the school for which said R. Sai

Sridhar was initially recommended.

It has been submitted by the learned advocate for the School Service Commission that the panel has expired on 15.01.2020. School Service Commission has further submitted that they have not received any report from the District Inspector of Schools that the said R. Sai Sridhar did not join the school where he was recommended by the Commission and according to the Commission this vacancy, according to their record, has been filled up.

I find that this writ application was filed after the expiry of the panel. It was filed on 11.03.2020 after expiry of the panel. This court does not have power or authority as no law gives the court any power or authority to direct appointment from an expired panel. I cannot direct the School Service Commission to consider the petitioner in the vacancy as the wait list also expired along with the panel. Therefore, I do not find any merit in this writ application.

For the reasons, as aforesaid, this writ application is dismissed.

The reasoned order filed today on behalf of the School Service Commission be kept on record.

(Abhijit Gangopadhyay, J.)

