

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 7521 of 2021

Sanjoy Saha
Vs.
Union of India & Ors.

Mr. Prasenjit Mukherjee
Mr. Subodh Banerjee
... For the petitioner

Ms. Debjani Ghosal
... For Union of India

Affidavit of service filed in Court today is taken on record.

The petitioner participated in a selection process held in the year 1996 for filling up the post of Constable in Central Industrial Security Force (in short "CISF") under the Other Backward Classes (in short "OBC") category. The petitioner on being selected had submitted an OBC certificate which was found by the Appointing Authority to be not in proper form and/or issued not by the proper authority. The petitioner thereafter approached the Competent Authority for granting him a proper OBC certificate. Although the petitioner had applied for issuance of an OBC certificate in the year 1997 but the certificate was issued only on 24th July, 2020. The petitioner produced the OBC certificate before the Appointing Authority and prayed for being appointed in terms of his selection made in the year 1996. The

Appointing Authority by a memo dated 12th January, 2021 after considering the fact of non-submission of OBC certificate in time and belated submission thereof had rejected the petitioner's claim. This is the subject matter of challenge in the instant writ petition.

A selection process, which took place in the year 1996, is sought to be availed by the petitioner after 24 years. There can be no doubt that all the vacancies arising out of the subject selection process have been filled up in the interregnum. It is practically impossible to have a vacancy left unfilled for 24 years. The law is well settled that the eligibility criteria of a selection process have to be fulfilled at the appropriate stage and once the vacancy considered under the selection process is filled up and the panel of selected candidates have been exhausted, the selection process should not be reopened that too after 24 years. That apart, with the passage of 24 years, the petitioner has advanced in age and can no more be considered to fill up a vacancy of a Constable wherein the maximum age limit to make an application is much below than that of the petitioner at the present. The petitioner as per his affidavit to the instant writ petition is aged about 43 years at the present.

Considering all these aspects, I find no infirmity in the order dated 12th January, 2021 which is under challenge in the instant writ petition. The writ petition,

therefor, is dismissed, however, without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)