

09.11.2022
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NS Ct.25

W.P.A No. 8167 of 2015

**Jali Roy & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Mohinoor Rahaman,
Ms. Maria Rahaman,
Ms. Iqra Rahaman ... for the petitioners.

Ms. Chaitali Bhattacharya,
Mr. Kartik Chandra Kapas .. for the State.

The writ petitioners prayed for issuance of a mandamus commanding the respondents to issue appointment letters in favour of the petitioners for the post of Anganwari workers under the Cooch Behar – II Panchayat Samity.

The principal grievance of the writ petitioners is that though they came within the zone of consideration but the respondent authorities acted illegally and arbitrarily by not issuing appointment letters to them.

Pursuant to the order dated September 20, 2022, a report was filed by the Child Development Project Officer, Cooch Behar – II, ICDS Project wherefrom it appears that the petitioners participated in the selection process in 2010. The said report also disclosed the details of marks obtained by the petitioners as well as the marks obtained by the last selected candidates under the respective categories and ranks.

The factual position disclosed in the said report is, however, not disputed by the petitioners after inspecting the original records, which were produced in Court on September 29, 2022.

From the said report, it is evident that only the petitioner no.2 was included in the waiting list and the other 9 petitioners did not come within the zone of consideration. It further appears from the said report that all the notified vacancies of Anganwari workers under all categories were filled up. Since the petitioners did not come within the zone of consideration, they could not have been appointed to the said post.

For the reasons, as aforesaid, the writ petition stands disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)