

14.09.2022  
Item No.04  
Court No.32  
Avijit Mitra

**MAT 1248 of 2021  
with  
IA No. CAN 2 of 2022**

**Priyabrata Roy & anr.  
- Versus -  
State of West Bengal & ors.**

Mr. Anindya Sundar Das,  
Mr. Shaunak Ghosh,  
Ms. Avipsa Sarkar,  
Mr. Mansaram Mondal  
....for the appellants  
Mr. Sirsanyo Bandyopadhyay,  
Ms. Tapati Samanta  
....for the State

The present appeal has been preferred challenging an order dated 5<sup>th</sup> August, 2021 passed in a writ petition being WPA 2290 of 2021. In the order impugned, it was *inter alia* observed that the panel prepared pursuant to the selection process of the year 2009 cannot be acted upon '*at such a distant date*'. However, by the said order, the learned Single Judge directed the Director of Library Services to take appropriate steps to fill up the vacancies, strictly in accordance with law. It was also observed that in the event the appellants are eligible, the respondent authorities shall permit them to participate in the said selection process which may be initiated for filling up the vacancies. The matter was initially heard by us and an interim order was passed on 7<sup>th</sup> September, 2022 directing that the new selection process initiated by the

advertisement being advertisement no.1 of 2022 shall not be finalised till 15<sup>th</sup> September, 2022 or until further orders, whichever is earlier.

Mr. Ghosh, learned advocate appearing for the appellants submits that in view of the observations made by this Court on 7<sup>th</sup> September, 2022, the appellants participated in the interview as scheduled on 9<sup>th</sup> September, 2022.

Today, Mr. Bandyopadhyay, learned junior standing counsel appearing for the State authorities, has placed before us the advertisement pertaining to the earlier selection process as well as the list of panels for the post of Librarian, as prepared under different categories in the said selection process. Let the said documents, as produced, be kept on record.

Mr. Bandyopadhyay contends that even if the earlier selection process is revived today, the appellants may not come within the zone of appointment since the appellant no.2 was not in the panel and the appellant no.1 was also the first waiting candidate in the same.

He further submits that taking into consideration the fact that the panel was not signed by the members of the selection committee and as the appellants approached the Court about 12 years after the concerned selection process, the learned Single Judge did not exercise discretion in favour of the appellants and there is no infirmity in the said order.

In reply, Mr. Ghosh submits that having initiated the selection process, the State authorities were under an obligation to conclude the same, in accordance with law. The respondents have miserably failed to discharge such obligation.

Heard the learned advocate appearing for the respective parties and considered the materials on record.

Indisputably, the first selection process was initiated in the year 2009. The appellants participated in the same as general category candidates. There were two vacancies in the said selection process for general category candidates. However, the appellants could not secure a berth in the panel prepared for general category candidates. The panel also not signed by the members of the selection committee.

In our opinion, the appellants did not secure any indefeasible right towards appointment on the basis of their participation in the earlier selection process.

We thus do not find any infirmity in the order impugned and as such no further interference is called for in the present appeal.

It appears that the appellants, in terms of the order passed by the learned Single Judge, were invited for participation in the new selection process and they have also participated in the interview as scheduled on 9<sup>th</sup> September, 2022.

In view thereof, the interim order passed on 7<sup>th</sup> September, 2022 restraining the respondents from finalizing the selection process initiated by the advertisement being advertisement no.1 of 2022, is vacated and the State authorities are directed to take expeditious steps towards conclusion of the said selection process.

With the above observations and directions, the appeal being MAT 1248 of 2021 and the stay application being IA No. 2 of 2022 are disposed of.

There shall however be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)**