

05. 19.09.2022
BD Ct.15

W.P.A. 20084 of 2010

Chinibas Mahato

-vs-

State of West Bengal & Ors.

Mr. Falguni Bandopadhyay

Ms. Riya Ballav

... for the petitioner.

Mr. Satya Ranjan Kundu

... for the Respondent no.6

Mr. Jaharlal De

Mr. Rajendra Chaturvedi

... for the State

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner, Chandatiri Lukuidih Madhyamik Siksha Kendra, District-Purulia and the State respondents.

Learned advocate representing Chandatiri Lukuidih Madhyamik Siksha Kendra (hereinafter referred to as "said MSK") has submitted that the affidavit-in-opposition was affirmed and the copy of the same was served upon the learned advocate of the petitioner but in the meantime the same has been misplaced. This Court also does not find any affidavit-in-opposition on record.

Learned advocate of the petitioner hands over a copy of the affidavit-in-opposition for consideration and this Court perused the said affidavit-in-opposition. The copy of the affidavit-in-opposition affirmed on behalf of the respondent no.

6 and the affidavit-in-reply affirmed by the petitioner are taken on record.

The grievance of the petitioner is that in spite of participating in the selection process for appointment in the post of Samprasarak in English in the said MSK the said selection process was not finalised and the petitioner being the selected candidate was not given appointment in the said post of Samprasarak. Accordingly, petitioner has prayed for giving effect to the selection process conducted for appointment of Samprasarak in English on 21st August, 2008.

The learned advocate representing the said MSK by filing the affidavit-in-opposition has contended that though selection process was conducted on 21st August, 2008 but that had to be abandoned due to technical defects and the said selection process could not be finalised as a result whereof the claim of the petitioner for being appointed in the post of Samprasarak could not be acceded to.

Mr. De, learned senior Government advocate, has submitted that during pendency of the writ petition by order dated 1st January, 2010 Principal Secretary to the Government of West Bengal has imposed restrictions in appointment in the post of Samprasarak in MSK with effect from 1st January, 2010. The MSK authorities were further restrained from initiating any selection process after issuance of said order dated 1st January, 2010.

According to the State respondents at present in view of such embargo imposed vide order dated 1st January, 2010, appointment in the post of Samprasarak cannot be given effect to.

This Court has heard learned advocates representing the parties and perused the relevant materials available on record including pleadings exchanged by the parties.

It appears that though petitioner participated in the selection process held on 21st August, 2008 for appointment in the post of Samprasarak in English but from the resolution of the said MSK authority dated 11th September, 2008 which is annexed to the affidavit in opposition it appears that such selection process could not be given effect to due to certain defects. It is trite law that mere participation in the selection process does not confer indefeasible right to be appointed in the post in question. Since the MSK authority decided to abandon the selection process vide resolution dated 11th September, 2008 no relief can be granted to the petitioner and accordingly the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)

