

Court No. 22
11.8.2022
(Item No. 6)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 19307 of 2009

Momtaj Khatun (Bibi)
VS
The State of West Bengal & Ors.

Mr. Sajal Kanti Bhattacharyya
Mr. Sarthak Burman
..... for the petitioner
Mr. Shamim Ul Bari
..... for the State

This writ petition has been filed by an unsuccessful candidate who sought to be appointed as a **Para Teacher** to one **Kalika Tala Milan Vidyapith (H.S.)**, South 24 Parganas (for short, the School). Pursuant to an advertisement issued on October 8, 2009, **Annexure P-4** to the writ petition the petitioner had participated in the interview. From the affidavit-in-opposition filed on behalf of the respondent Nos. 1-4 (for short, the State respondents) affirmed on July 19, 2011, it appears that the petitioner secured third position in the panel which was submitted for approval on June 11, 2009 before the appropriate authority.

The principal allegation of the petitioner was that, the private respondent No. 7, who secured first position in the panel did not fulfill the eligibility criteria for participating in the selection process in terms of the said notification dated October 8, 2009. The petitioner alleged that, the private respondent was

not a resident of the locality as on the date of submission of her application.

From paragraph 8 of the said affidavit-in-opposition filed on behalf of the respondent Nos. 1 to 4 it appears that, the relevant documents evidencing the local residence of the private respondent were duly submitted before the appropriate authority and the concerned Pradhan of the relevant Gram Panchayet and Sabhapati of the Panchayet Samity also issued the necessary certificates certifying that the private respondent was residing at the locality as was required in terms of the said notification dated October 8, 2009. It is specifically stated on oath in the said affidavit that, the private respondent got married on October 2, 2009 and shifted to her matrimonial place which was the relevant locality in terms of the said notification dated October 8, 2009 and as such, such contention of the petitioner is thoroughly misconceived. From paragraph 7 of the said affidavit-in-opposition it appears that, since the writ petition was filed before the panel was finalized, the panel had not been approved till date and Mr. Bari, learned State counsel has also confirmed such position till today.

It is pertinent to note that, the private respondent No. 7 is not represented, who was the successful candidate in the panel.

After hearing the learned appearing counsel for the parties and on perusal of records, this Court is of the considered opinion that, the private respondent had duly fulfilled the requisite criteria in terms of the said notification for appointment dated October 8, 2009. In as much as, the panel was of 2009 which is still not set in motion.

In view of the forgoing discussions and reasons, this Court is of the firm opinion that, the writ petition is devoid of any merit and is liable to be and should be dismissed.

Accordingly, this writ petition being **WPA 19307 of 2009** stands dismissed.

Since this writ petition stands dismissed, there shall be no embargo upon the State authority to proceed with the relevant panel of 2009 strictly in accordance with law.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)