

Court No. 22
08.12.2022
(Item No. 86)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 26158 of 2022

Sk. Hasibur Rahaman
VS
The State of West Bengal & Ors.

Ms. Reshmi Ghosh
Mr. Golam Mohiuddin
Ms. Puja Mondal
..... for the petitioner
Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
.....For Madrasah Service Commission
Ms. Sunita Guha
.... For Madrasah Commission
Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
.... For the State

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

The petitioner was an aspirant and participated in the **6th State Level Selection Test, 2013** for the post of **Assistant Teacher**, subject **Geography**. The petitioner was aggrieved with his assessment. He took steps under the Right to Information Act and sought for certain information and documents. The respondent No. 3 by a communication dated September 13, 2018, **Annexure P-5** to the writ petition at **page 25** to the writ petition informed the reasons to the petitioner.

The prayer in the writ petition shows that, the petitioner on or about November 24, 2022 filed the instant writ petition seeking to enforce the said

decision of the respondent No. 3 dated September 13, 2018.

Ms. Reshmi Ghosh, learned advocate appearing for the petitioner submits that, the petitioner claims only the OMR sheet. She submits that, the entire examination process is not over. In the event, the said decision of the September 13, 2018 is complied with by the relevant authority the petitioner would get justice.

Mr. Prosenjit Mukherjee, learned counsel appearing for respondent No. 3 submitted that, the examination was held in 2014, the result was published in 2018 and the relevant panel had expired in June 2019. Thus there was no scope to accede to the prayer made in the writ petition.

Mr. Debjit Mukherjee, learned advocate appears for respondent No. 1.

Considering the rival submissions made on behalf of the parties and considering the materials on record it appears to this Court that, the decision which was sought to be enforced through this writ petition was passed on September 13, 2018 which is much beyond four years from now. The writ petition was filed in November 2022.

It is trite that, the period to avail of a remedy against any action of the State authority through a writ petition may not have a statutory limitation period but the writ court in exercise of its equity

jurisdiction must also be satisfied that, the writ petition has been filed at least within a reasonable period of time. The expression **reasonable period of time** has already been decided and settled by several judicial pronouncements.

Since the writ petition was filed beyond four years from the date of September 13, 2018, **Annexure P-5** to the writ petition, this Court is of the considered view that, there is no ground to entertain this writ petition.

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

In view of the above, this writ petition being **WPA 26158 of 2022** stands dismissed.

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.)