

16.03.2023

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WPA 1018 of 2023

Biswanath Das

Vs.

The State of West Bengal & Ors.

Mr. Biswarup Biswas

... For the petitioner.

Mr. Sunit Kumar Ray

... For College Authority.

Ms. Chaitali Bhattacharya

Mr. Mrinal Kanti Biswas

... For the State.

The petitioner was the second empanelled candidate for the post of Guard at Krishnagar Women's College, Nadia.

The first empanelled candidate was not given the appointment. He filed a writ petition being W.P. No. 26804 (W) of 2013 (Ranajit Chaudhuri vs. State of West Bengal & Ors.) before this Court seeking appointment following his empanelment. A co-ordinate Bench of this Court by an order dated February 01, 2014 dismissed the writ petition. The said co-ordinate Bench observed that the Governing Body of the College had cancelled the panel on June 30, 2012 and his empanelment did not create any right to be appointed against the relevant post.

It is not in dispute that an appeal was preferred by the first empanelled candidate against the said order

but unfortunately he passed away during pendency of the appeal.

The present writ petition has been filed after a lapse of about 12 years from the date of preparation of the panel. The first empanelled candidate could not establish his right before this Court on the ground that the panel in question was cancelled by the Governing Body. The petitioner, who was the second empanelled candidate, cannot revive the panel after a lapse of about 12 years to enforce his right of appointment.

Affidavit filed by the State suggests that after the panel was cancelled, the College authority sought fresh permission the State seeking permission to initiate fresh selection proceeding. The State has not yet accorded such permission to the College.

Having regard to the aforesaid facts, I do not see any subsisting right of the petitioner to be appointed following his empanelment in the panel, which had been cancelled as long back as on June 30, 2012.

Accordingly, **WPA 1018 of 2023** is dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)