

24.8.2023

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WPA 14563 of 2023
Sannyasi Singha
Vs.
State of West Bengal & Ors.

Mr. Skaya Maity
Mr. Subhas Jana
... For the petitioner.

Ms. Tapati Samanta
... For respondent no. 5.

The petitioner intends to participate in the selection process for the post of Librarian in terms of an advertisement published on 29th May, 2023 issued by the Chairman, Local Library Authority, South 24 Parganas.

It is the grievance of the petitioner that for the same post, on an earlier occasion, the said authority had issued an advertisement on 15th February, 2021 inviting application from the prospective candidates. The petitioner had applied in response to such advertisement, but the recruitment proceeding did not proceed any further following the said advertisement.

The petitioner has become age barred for the present recruitment process as the relevant advertisement prescribes the maximum age for a Schedule Caste candidate as 45 years. The petitioner is now aged about 47 years.

Learned advocate appearing for the petitioner submits that since the selection process in terms of the

earlier advertisement dated 15th February, 2021, did not take place, the petitioner should be allowed to participate in the present selection process condoning his age bar.

Ms. Tapati Samanta, learned advocate appearing on behalf of respondent no. 5, on the other hand, submits that a Co-ordinate Bench of this Court in a similar circumstance rejected the prayer of the petitioner therein. This Court should not take a different view. She cites the judgment passed in **WPA 13654 of 2023 (Kamruzzaman vs. The State of West Bengal & Ors.)**.

I am of the view that mere filing an application in response to the earlier advertisement dated 15th February, 2021, did not give any vested right in favour of the petitioner for participation in the future selection process. It is open for an authority to abandon a selection process for any justifiable reason.

The petitioner never challenged the termination of the earlier selection process.

I am of the view that since there is no provision under the relevant recruitment rules namely, Guidelines for Recruitment of Librarians of sponsored Public Libraries having Status of Rural Libraries dated March 17, 2023, to relax the age bar, the petitioner's prayer cannot be allowed.

Accordingly, **WPA 14563 of 2023** is dismissed.

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

(Kausik Chanda, J.)