

Item-9. 04-01-2024

sg Ct. 8

FMA 637 of 2020
CAN 1 of 2022

Chanchala Adhikary
Versus
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee, Adv.
Mr. Prakash Chandra Mondal, Adv.
Mr. Dinesh Chandra Mondal, Adv.
Ms. Indrani Roy, Adv.
...for the appellant
Dr. Sutanu Kumar Patra, Adv.
Ms. Supriya Dubey, Adv.
...for the WBCSSC
Mr. Rajarshi Basu, Adv.
Mr. K.M. Hossain, Adv.
...for the State

1. The appeal is arising out of an order dated 20th August, 2019 passed in a writ petition in which the appellant has prayed for quashing of Memo dated 11th June, 2015 issued by the SPIO and Assistant Secretary, West Bengal Central Service Commission in reply to the RTI. She was intimated that the panel was prepared for appointment of Assistant Teacher in History (Pass) for general female candidates in accordance with law by the concerned authority of the School Service Commission (in short 'Commission'). In the writ petition she has also expressed her grievance for non-consideration of the representation made by her in the form of a letter dated 19th May, 2015 to the Commission.
2. The writ petition in which the impugned order was passed was preceded by an earlier writ petition in which she had questioned her exclusion from the panel and the said writ petition was disposed of by the learned Single Judge on 25th March, 2013 by recording that from the panel it appears that 54 candidates were empanelled for appointment to the post

of Assistant Teacher in History (Pass) for general female candidates and the last named candidate had obtained a total of 50.33 marks and now the writ petitioner/appellant had the required information in respect of the performance in the recruitment process and if she felt aggrieved by her non-empanelment, she would be at liberty to take steps in accordance with law.

3. Subsequent thereto, the writ petitioner made a representation which is again in the form of seeking information under the RTI Act to which a reply was furnished by the SPIO and Assistant Secretary on 11th June, 2015 stating that with regard to queries about the preparation of successful candidates, the Government has followed the rules and regulations strictly.
4. The selection process was initiated in terms of the advertisement issued in the year 1998 and on conclusion of the said selection process, a panel was prepared and it can be safely concluded that the statutory life of the panel has expired in the meantime. However, leave was granted under order dated 25th March, 2013 permitting the writ petitioner to approach the Commission within a reasonable time if the writ petitioner had any grievance with regard preparation of the panel.
5. The learned Single Judge, in our view, had rightly observed that the writ petitioner was not vigilant enough in approaching the Commission within the reasonable time and the representation was made after expiry of two years from the date of the order passed by another learned Single Judge

on 25th March, 2013. The learned Single Judge was relied upon the decisions of the Hon'ble Supreme Court in **(1998) 8 SCC 682 (Union of India & Anr. vs. S.S. Kothiyal & Ors.)** and **(2013) 12 SCC 179 (State of Uttaranchal & Anr. vs. Shiv Charan Singh Bhandari & Ors.)** in dismissing the writ petition on the ground of delay and laches in approaching the Commission.

6. There is another factor which can not be ignored. The selection process was initiated in terms of the advertisement published in 1998 and the panel prepared pursuant to the advertisement had expired long ago. Upon expiry of the panel prepared pursuant to the said selection process and offering appointment from the said panel prior to the exhausting the panel stands in the way of the writ petitioner to claim any relief at this stage even if it is assumed that the appellant may have been unfairly treated or excluded from the panel. The third party interest was accrued in the meantime.
7. On such consideration, we are unable to grant any relief to the appellant. The appeal and the applicant stand dismissed. However, there shall be no order as to costs.
8. The appeal stands dismissed. However, there shall be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)

