

05.08.2024
Court No. 18
Item No. 10(ML)
(Suvendu)

WPA 2569 of 2022

Arabinda Dutta
-Versus-

The State of West Bengal & Ors.

Mr. Probal Sarkar
Ms. Sk. Kiran
.....for the petitioner

Mr. Supriyo Chattopadhyay, Ld. AGP
Ms. Sayantanee Bhattacharjee
.....for the State

Mr. Subhasish Bhattacharya
.....for the respondent no. 13

Affidavit of service filed on behalf of the
petitioner is taken on record.

Writ petition relates to appointment of
Assistant Headmaster in Debagram S.A.
Vidyapith (HS), Nadia (hereinafter referred to as
“said school”). Petitioner questioned preparation
of panel as well as grant of approval of panel by
the District Inspector of Schools (SE), Nadia vide
memo dated 19th November, 2015. It is
contended by learned advocate representing the
petitioner that hurriedly entire process was
concluded and selected candidate for the post of
Assistant Headmaster in the aforesaid school
was permitted to join the post of Assistant
Headmaster.

Such stand of petitioner is supported by learned advocate representing the respondent no. 13 being the present Headmaster of the said school.

The contention of petitioner is opposed by Mr. Chattopadhyay, learned Additional Government Pleader representing State respondents on the ground that petitioner does not have *locus standi* to approach this Court questioning selection of Assistant Headmaster since he was not the candidate who participated in selection process. Petitioner is guardian of a student of the said school claiming to be a Vocational Instructor.

In addition thereto, it is submitted that life of panel expired within a period of one year from the date of approval of panel on 19th November, 2015 and the present writ petition is filed on 11th February, 2022.

Having considered the submissions made on behalf of the parties and on perusal of the materials available on record, it appears that prior permission was issued by the Commissioner of School Education on 18th July, 2013 in favour of the said school authority for filling up post of Assistant Headmaster and subsequent thereto interview took place on 12th

June, 2015. Candidates were selected on preparation of panel and the same was approved by the concerned District Inspector of Schools vide memo dated 19th November, 2015. Panel was required to be kept alive for one year from the date of grant of approval of panel, therefore, it can be concluded that the panel expired on 18th November, 2016. However, based on preparation of panel selected candidate joined the post of Assistant Headmaster in the said school and he is functioning at present.

It is well settled that after expiry of panel candidates participated in the selection process are estopped from questioning validity and legality of selection process and select list prepared by the concerned authority. In the present case, though panel expired in the month of November, 2016 writ petition was presented on 11th February, 2022 after six years. Therefore, at this belated stage validity and legality of panel cannot be examined in the present writ petition.

It needs to be recorded herein that petitioner did not participate in the selection process and he is one of the guardians of the said school claiming to be a Vocational Instructor.

Question arises for consideration whether without participating in selection process how a person come forward challenging validity and legality of selection process for filling up post of Assistant Headmaster.

During course of hearing, on behalf of the petitioner nothing has been shown to satisfy his *locus standi* to maintain the present writ petition.

Accordingly, the writ petition stands dismissed.

There shall be, however, no order as to costs

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)