

10.04.2024
Item No.24, DL
Court No.18
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 8687 of 2024

Pintu Nandi

-Vs-

The State of West Bengal & Ors.

Mr. D.N. Ray,
Mr. Biswarup Nandy,
Mr. R.K. Shah.

.....for the petitioner.

Mr. Supriyo Chattopadhyay, A.G.P.,
Ms. Sayantanee Bhattacharjee.

.....for the State.

Affidavit of service filed on behalf of the petitioner
be kept with the record.

The Managing Committee of Halisahar Ramprasad
Vidyapith, in the year 2008, had obtained permission from
the District Inspector of Schools (S.E.), District: 24-Parganas
(North), Barrackpore, the respondent no.4 herein, to initiate
selection process for filling up of two vacancies in the post
of 'Laboratory Attendant' of the said school.

Thereafter, the school authority conducted the
selection process in which the petitioner had participated.
The Managing Committee, on the basis of the result of the
said Test had prepared a panel. The petitioner was the no.1 in
the said panel but the said selection did not reach to the
maturity of his appointment since in the meantime, he was
entangled in a criminal case.

The respondent no. 4, however refused to approve the
said panel as the no. 2 candidate of it was over-aged as on
the date of the selection test. To get the said Panel approved,
the respondent no. 4 suggested that the Managing Committee

either shall take steps to get the overage of the said candidate condoned by the appropriate authority or shall strike out the name of the said candidate from the panel.

The petitioner, ultimately, on January 03, 2024 was found 'not guilty' in the said criminal case and thereupon, he is claiming that being the no. 1 in the said panel, he is entitled to be appointed in the vacant post of 'Laboratory Attendant' in the said school.

Mr. Roy, learned advocate for the petitioner submits that the no. 2 candidate of the panel, out of personal grudge, had lodged the false complaint against the petitioner but the petitioner since has been exonerated of all charges, he should be given appointment in the post for which he was selected.

Mr. Chattopadhyay, learned Additional Government Pleader submits that the said panel was never approved by the respondent no. 4 and it had a consequence of natural death, besides, a new procedure for appointment in the post of Non-Teaching Staff in any Government school superseding all previous rules and Government orders on the subject since has been prescribed under the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-Teaching Staffs) Rules, 2009(hereinafter referred to as the 'said Rules of 2009' in short), the petitioner cannot now claim his appointment on the basis of a panel prepared following a different selection process.

Having heard the learned Counsel for the parties and on perusal of the materials-on-record, it appears that the earlier selection process conducted by the Managing

Committee of the said school did not reach to a finality inasmuch as the said panel was neither approved by the respondent no. 4 nor there is any material in the record to suggest that the Managing Committee of the school took steps to get the said panel approved following the aforesaid advice of the said respondent.

The petitioner, neither for his such empanelment nor from the said unapproved Panel is entitled derive the right of his appointment in the said post, particularly when the said Rules of 2009 has superseded all previous Rules, orders, Notifications and directions on the subject.

The writ petition therefore has no merit, accordingly WPA 8687 of 2024 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)