

06 **11.11.
2024**
Ct. No. 08

Ab

**MAT 753 of 2022
IA No. CAN 1 of 2022
IA No. CAN 2 of 2022**

**Shyamal Kumar Dhara
Vs.
State of West Bengal and others.**

**Mr. Simanta Kabir,
Mr. Shiladitya Barma,
Mr. Avik Pramanick,
Mrs. Priyanka Ghosh.**

... for the appellant.

**Mr. Supriyo Chattopadhyay, Ld. AGP,
Mr. Suman De.**

... for the State.

The petitioner/appellant offered his candidature in terms of an advertisement published for filling up the posts of Group-C in the school way back in the year 2005. Since thereafter nothing was communicated to the petitioner/appellant in relation to the status of the said selection process and it is only in the year 2022 an approach was made to the Writ Court.

It is averred in the said writ petition that although the petitioner participated in the selection process ensued in the year 2005 yet there was no communication made to the petitioner on the fate thereof. Subsequently, in the year 2022, an application was made under the Right to Information Act in order to ascertain the fulcrum of exercise undertaken by the School Authorities for filling up the post of Group-C staff and it was communicated that the School Service Commission has recommended the name of the person, who has already crossed the upper limit and, therefore, the action of the authorities are per se illegal. The Writ Court was approached not to approve any panel prepared by the Selection Committee and to undertake a fresh exercise for filling up the said post.

The School Authority took a stand that since the selection commenced in the year 2005, they are unable to produce the documents before the Court in absence of the record whether the said panel allegedly prepared by the Selection Committee was sent for approval or not.

The bottom line of the entire episode is indicative of the fact that though the selection process was initiated in the year 2005, but no further steps was taken in this regard though the post remained vacant till 2021 when a recognition letter was issued by the West Bengal Regional School Service Commission for filling up the post.

There has been a complete silence for more than a decade in approaching the Court. Though there is no period of limitation provided for filling an application under Article 226 of the Constitution of India yet the delay and laches on the part of the litigant may disentitle the reliefs so claimed.

It is no longer *res integra* that mere participation in the selection process does not invest an absolute right into the candidate for appointment. Mere initiation of the selection process does not confer an inchoate right of appointment to the intending candidates. Furthermore, an approach was made to the Court after such long delay and we do not find that there is any sufficient explanation having offered in this regard.

In view of the above, we do not find the approach of the Single Bench in rejecting the writ petition is infirm or contrary to the proposition of law in this regard.

The appeal sans merit. The same is hereby dismissed.

Consequently, the connected applications are also dismissed.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)