

13.06.2024
Item No.28
RP
Ct. No.13

WPA 14056 of 2024
Smt. Soumini Saha @ Smt. Soumini Saha Maity & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Surajit Samanta
Ms. Sohini Samanta
.....For Petitioners
Mr. Santanu Kumar Mitra
Mr. Amartiya Pal
.....For State
Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya
.....For DPSC, North 24 Parganas

1. The petitioners participated in the recruitment process to the post of Assistant Teachers conducted by DPSC, North 24 Parganas of the year 2009, completed in the year 2021. The petitioners alleged several irregularities in the said recruitment process.
2. This Court while considering the said selection process had directed in the order dated 25th April, 2024 passed in WPA 20966 of 2022 (Kakali Mondal & Ors. vs. The State of West Bengal & Ors.) that the petitioners therein must be entitled to appointment if they had filed writ petitions upto the cut-off date being 24th April, 2024. The instant writ petition has been filed on 14th May, 2024
3. Learned counsel for the petitioners refers to a judgment passed by the Supreme Court in the case of State of Uttar Pradesh & Ors. vs. Arvind Kumar

Srivastava & Ors. By placing reliance upon paragraph 23 it is stated that the cut-off date cannot be applied to the petitioners uniformly. The cut-off date mentioned in the case of Kakali Mondal (supra) cannot be applied uniformly since the petitioners are similarly situated as there is no delay on their part.

4. Admittedly, the petitioners have approached this Court on 14th May, 2024 most likely after becoming aware of the decision passed in the case of Kakali Mondal (supra). The petitioners cannot even be termed as fence sitters as they seek benefit after becoming aware of the order passed in the case of Kakali Mondal (supra).
5. The petitioners were neither waiting nor had taken out any proceedings or made representations before the DPSC effectively before filing the instant writ petition. The petitioners would therefore come within the meaning of sub-clause 2 of paragraph 23 of the decision of the Supreme Court passed in the case of Arvind Kumar Srivastava (supra).
6. No relief can therefore be granted to the petitioners.
7. The instant writ petition shall stand dismissed.
8. There will be no order as to costs.
9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(RAJASEKHAR MANTHA, J.)