

15.07.2024

**Sl. No. 51
Ct. No. 23
Srimanta**

WPA/25159/2023

Nasrin Parvin

-Vs.-

The State of West Bengal & Ors.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Mr. Arindam Poali

...for the petitioner.

Mr. Suman Dey

...for the State.

The petitioner had participated in the selection process for engagement of 'Anganwadi Worker' in terms of the advertisement issued by the Child Development Project Officer (in short, CDPO), Raninagar – II ICDS Project, Raninagar, Murshidabad dated 6th December, 2021. The petitioner says that the private respondent (respondent no. 8) has furnished a fake disability certificate to participate in the said selection process under the physical disability category. The appointment of the private respondent no. 8, according to the petitioner, is illegal and should be set aside. The fact remains that the petitioner has participated in the selection process which she now intends to challenge. The scope of challenge in such case is very restricted. There is no palpable illegality in the selection process. The physical disability certificate has been submitted by the respondent no.

8 to which the selection committee/Board had no role to play. Scrutiny of the documents has taken place through a scrutiny committee which has verified the same and only upon being satisfied with such certificate had allowed the respondent no. 8 to participate in the selection process under the disability category pursuant to which on being successful the respondent no. 8 has been given the appointment. Although the petitioner participated in the selection process as a physically challenged candidate under the same category in which the private respondent participated but the petitioner's name did not figure in the list of selected candidates to the post of 'Anganwadi Worker' direct engagement for Raninagar – II ICDS Project, Murshidabad. The list is annexed at page 23 of the writ petition. Assuming without admitting that the physical disability certificate of the respondent no. 8 is a fake one then also on her disqualification as a candidate from the select list/waiting list is next in line would get the appointment. The petitioner is neither the next in line nor is a selected candidate. In such a situation the petitioner will not come into the zone of consideration on the physically disability certificate of the respondent no. 8 being set aside or quashed.

The petitioner then falls back to challenge the manner in which the merit list has been prepared. No specific allegation is apparent from the writ petition in which the challenge to the selection process or the manner in which the merit list can be mentioned. In the absence of such challenge and taking into account that the petitioner had participated in the selection process no illegality is noticed for which interference is required to be made into the selection process.

In the facts and circumstances, as aforesaid, the writ petition fails and is accordingly disposed of without any order.

(Arindam Mukherjee, J.)