

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Justice Jay Sengupta

WPA 28283 of 2023

Tahidur Rahaman
Vs.
The State of West Bengal & Ors.

For the Petitioner: Mr. Shambhunath Ray,
Ms. Amrita Tewari,
Ms. Tuhina Parvin,
Ms. Munmun Das.

For the State: Mr. Gourav Das,
Mr. Debapriya Chatterjee.

Heard On: 06.09.2024

Judgment On: 06.09.2024

Jay Sengupta, J.:-

1. This is an application praying for a direction upon the respondent authorities to forward the panel for approval for appointment of the petitioner to the post of sweeper in the school in question within a timeframe

2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner applied for the post of a sweeper in the school in question. A panel was prepared. An unsuccessful candidate challenged the selection process before this Court by filing a writ petition being *WPA 2109 of 2023*. By an order dated 30.03.2023 passed by a Coordinate Bench of this Court in *WPA 27556 of 2022*, the same was dismissed. Therefore, the challenge to the selection process was decided in favour of the petitioner. Therefore, there is no earthly reason why the respondent authorities shall not forward the panel for approval.
3. Learned counsel appearing on behalf of the State relies on the reports filed earlier and submits as follows. *WPA 2109 of 2023* was decided on the point whether an unsuccessful candidate participating in a selection process can later on challenge the same process after being unsuccessful. This did not otherwise validate the selection process. After a point, it appeared to the respondent authorities that there were some irregularities in the selection process and/or in the preparation of the panel. Certain issues were deliberated upon. Although the other irregularities like some of the score sheets not being signed by some of the members of the Selection Committee and no resolution of the Selection Committee regarding distribution of marks was submitted

and the like were found to be merely irregular, however, the fact that the advertisement was not published in two newspapers and in the Employment Bank portal as required by the Recruitment Rules was found to be an incurable irregularity. For this reason, the panel is not being forwarded for approval.

4. It appears that there could be some incurable irregularities in the process of preparation of the panel in question.
5. It also appears that final decision has not been taken about whether to send up the panel for approval or not.
6. In view of the above, let the Secretary, Director of Mass Education Extension, Bikas Bhawan, Salt Lake, Calcutta decide the issue whether to approve such panel or not, within six weeks from the date of communication of this order. Within a week thereafter, the outcome of such consideration shall be communicated to the petitioner.
7. With these observations, the writ petition is disposed of.
8. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)

NB/09