

Court No. 2
12.9.2024
(Item No. 31-
32)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1316 of 2022
+
CAN 1 of 2024

Murshida Khatun @ Bibi & Ors.
VS

The State of West Bengal & Ors.
With

W.P.A. 820 of 2019

Rajjak Haque Sarkar
VS

State of West Bengal & Ors.

Ms. Suman Sehanabis (Mandal)
..... for the petitioners
Mr. Subir Kumar Saha, Ld. AGP
Ms. Bedashruti Bose
.... For the State

In Re: **CAN 1 of 2024**

This is an interlocutory application filed in the
pending writ petition with the following reliefs:

“In the circumstances stated above, the applicants most humbly pray that Your Lordship may graciously be pleased to forthwith allow the instant application by staying the operation of the recruitment notice dated 11.07.2024 vide Memo No. 291/ICDS/DTA-II issued by the Child Development Project Officer, Dinhata-2 Integrated Child Development Scheme Project, Cooch Behar till the instant writ application be heard along with the other writ applications as directed by this Hon’ble Court vide Order dated 15.05.2024 passed in connection with the instant writ application and/or to pass such other or further order or orders and/or direction of directions as to Your Lordship may deem fit and proper.”

The recruitment process is questioned through the instant writ petition of **2009**, as submitted by Ms. Suman Sehanabish, learned counsel appearing for the writ petitioners. Pending the instant writ petition through this interlocutory application the petitioners have challenged a subsequent recruitment process sought to be initiated under the recruitment notice dated **July 11, 2024, annexure A-2** at **page 16** to the instant application.

Ms. Bedashruti Bose, learned State counsel led by Mr. Subir Kumar Saha, learned Additional Government Pleader appearing for respondent nos. 1 to 3 submits a copy of report in Court today issued under the signature of Child Development Project Officer, Dinhata – II, the same is kept on record.

After hearing the rival contentions of the parties and upon perusing the materials on record this Court first reiterates the settled principle of law that unless appointment letter is issued in favour of an aspirant in the selection process, no right is created in favour of such aspirant to challenge the recruitment process. In the light of the settled principle of law it appears that no appointment letter has been issued in favour of the petitioners arising out of the previous recruitment process of **2009** but the petitioners seek to challenge the subsequent recruitment process of **2024** through this

interlocutory application. In as much as, the recruitment process for 2024 is an independent and separate cause of action which cannot be tagged with the original writ petition in which the instant interlocutory application is taken out.

In view of the above foregoing discussions and reasons this Court is of the firm view that, this application is not maintainable in law and is liable to be dismissed.

Accordingly, **CAN 1 of 2024** stands **dismissed**, without any order as to costs.

From the record it appears that the original writ petition has been filed by 12 individual writ petitioners but a single Court fee has been paid. Subject to payment of rest 11 numbers of Court fees this writ petition shall be heard further.

However, it is directed that the learned Registrar should comply with the previous direction of the co-ordinate Bench dated May 15, 2024 in its strict sense and spirit so that the hearing of the writ petition can be expedited.

A photocopy copy of this order be kept with the records of each of the writ petitions.

(Aniruddha Roy, J.)