

03.10.2024
Item No.38
Court No.1
CHC

***Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side***

MAT 59 of 2019

**Dipika Roy & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Aninda Bose, Advocate
Mr. Surojit Basu, Advocate
...for the appellants

Dr. Joyjit Choudhury, Ld. A.A.G.
Mr. Subir Kr. Saha, Ld. A.G.P.
Mr. Nabankur Paul, Advocate
...for the State

1. Learned advocate appearing for the appellant submits that, one of the parties crossed prescribed age for participation in the selection process.
2. Any participant in the selection process is entitled to be considered fairly in such selection process.
3. Participation in the selection process does not and cannot guarantee an appointment through such selection process.
4. Appeal is directed against an order dated November 13, 2019 passed in WPA 81 of 2019.

5. By the impugned order, the learned Single Judge dismissed the writ petition after finding that, a fresh recruitment process was initiated by the State Government.
6. Appellants and the State are represented.
7. In the facts of the present case, the selection process of recruitment for the post of Anganwadi workers was initiated by the State. It went on for a period of two years without any merit list being published. Thereafter, State Government proceeded to initiate a fresh recruitment process by a notification dated February 22, 2019.
8. This notification dated February 22, 2019 was assailed in the writ petition which was dismissed by the learned Single Judge.
9. Learned Single Judge found that, new recruitment process is to be construed as deemed abandonment of the earlier recruitment process. There is no material on record to suggest otherwise in the new recruitment process, we are not minded to interfere with the impugned order.
10. In the facts of the present case, it would be appropriate to permit the appellants before us who participated in the earlier selection process and crossed the prescribed age in the impugned notification may be allowed to participate in the fresh selection process by the State.

11. No other essential qualification prescribed in the fresh selection process is relaxed save and except age bar as noted above.
12. MAT 59 of 2019 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)