

Court No. 2
02.9.2024
(Item No. 33)
(AB)

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

W.P.A. 1751 of 2024

Debabrata Modak
VS

The State of West Bengal & Ors.

Mr. Falguni Bandyopadhyay
Mr. Jagadish Chandra Halder
Ms. Riya Ballav

..... for the petitioner

Mr. Momenur Rahman
Ms. Patralekha Choudhury

.... For the State

Affidavit of service filed in Court today is taken
on record.

Mr. Falguni Bandyopadhyay, learned counsel
appears for the petitioner through virtual mode.

Mr. Momenur Rahman, learned State counsel
appears for the respondent Nos. 1 to 3.

The other respondents are not represented.

The petitioner contends that in the year 2016
in terms of a notification of selection process for the
post of Librarian the petitioner dully applied.
Thereafter the selection process did not proceed.
Referring to a public announcement/advertisement,
annexure P-7 at **page 22** to the writ petition learned
counsel appearing for the petitioner submits that,
recently on **July 26, 2024** a fresh advertisement has
been published to hold a fresh selection process for
the post of **Librarian**. The petitioner claims to

participate in the said fresh selection process and for condonation of his age bar since he had already applied in 2016 and the selection process did not continue without any fault on the part of the petitioner.

Learned State counsel has opposed this prayer.

After considering the rival contentions of the parties and upon perusal of the materials on record, at the threshold, this Court once again reiterates the law governing the field is that mere participation or even empanelment in a selection process does not create any right for a participating candidate. Right is only created after appointment letter is issued.

In the instant case, it is the policy of the employer not to proceed with the previous selection process of 2016 for which the petitioner applied for. There is no challenge to such policy decision neither any mala fide or illegality has been alleged against the employer.

Considering the stringent employment situation, in the facts of this case this Court is of the firm view that, the age bar for the petitioner cannot be relaxed. More so verification of the writ petition shows that, the petitioner as on the date of affirmation of the writ petition on August 9, 2024 has completed **53 years.**

No equity can be exercised in the fact of this case.

In view of the foregoing reasons and discussions, this Court is of the considered view that, this writ petition is devoid of any merit and is liable to be dismissed at the threshold.

Resultantly, this writ petition **W.P.A. 1751 of 2024** stands **dismissed**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)