

02.04.2025

Item No. 01

Crt.No.02

b.r.

WPA 3728 of 2025

Pranata Guchhait

-vs-

The State of West Bengal & Ors.

Mr. Sarwar Jahan

Mr. Aninda Bhattacharya

Ms. Tapati Sarkar

Mr. Bithun Sarkar

Ms. Sneha Maity

.... For the petitioner.

Mr. Jhuma Chakraborty, Sr. Govt. Adv.

Ms. Munmun Tewary

..... for the State.

Mr. Asok Nath Ghosh

Mr. Kinkar Chandra Basu

Mr. Pronojit Roy

..... for the Resp. no.8.

Mr. Sarwar Jahan, learned Counsel appears for the petitioner.

Mr. Ashok Nath Ghosh, learned counsel appears for the private respondent no.8.

Ms. Jhuma Chakraborty, learned Senior Government Advocate appears for the respondent nos. 1 to 5 through virtual mode with Ms. Tewary, learned advocate.

The writ petitioner had applied for the post of **Anganwadi Worker-cum-Helper** in **Kharagpur-II**

I.C.D.S Project. She qualified the written test and appeared in the personality test. Then she discovered that many were appointed for the post, except herself. She submitted a representation dated **September 27, 2018** pointing out certain alleged favouritism and irregularities in the selection process. As for example, some of the close relations of the Panchayat officials allegedly were appointed.

Being aggrieved with the above, the petitioner moved a writ petition in the first round. A Co-ordinate Bench had dismissed the said writ petition. The petitioner carried out an appeal being **MAT 1328 of 2019**. The Hon'ble Division Bench allowed the appeal by its judgement dated **July 23, 2024, annexure p-9 at page-57** to the writ petition by setting the order of the Co-ordinate Bench with the following observation and direction (**Page-62** to the writ petition):-

“21. Appellate has also raised similar grievances with regard to alleged favouritism and illegal appointments to the post concerned.

22. Under such circumstances, we set aside the order of the Hon'ble Single Judge dated 13,12,2018 and direct respondent no.2 i.e. District

Magistrate, Paschim Medinipur to consider the representation of the appellant dated 27.09.2018 highlighting irregularities in the preparation of the panel and pass a reasoned order thereon after giving opportunity of hearing to the appellant as well as the private respondents. The entire exercise shall be completed within four weeks from the date of communication of this order.

23. *The appeal is thus allowed.”*

Pursuant to the said direction of the Hon’ble Division Bench, the **respondent no.3** had considered the said representation of the petitioner dated **September 27, 2018** and after granting an opportunity of hearing to the relevant parties had passed its impugned order dated **December 11, 2024, annexure p-10 at page-64** to the writ petition.

The relevant observations from the said impugned order is quoted below:

“7. Total number of 1283 candidates including the petitioners were called for viva after qualifying for the written test. Viva was held from 05.06.2017 to 15.06.2017.

8. After completion of viva the panel was sent to the Department for approval which was approved on 10.09.2018 vide Memo. No. 4921-SW/3S-49/16

by Department of Women and Child Dev. & Social Welfare.

9. Marks obtained by the last selected candidates in the Un Reserved category was 68.20 and accordingly appointment letter was issued for all the posts i.e. 275 candidates.

10. The petitioners details are:-

Roll No.	Name	Category	Marks obtained in written test	Marks obtained in viva	Total marks	Remarks
WG 1211	Prasanta Guchhait	General	62	4.8	66.8	Below 68.20 of the last candidate
WG 22	Sujata Dutta	General	57	5.67	62.67	
WG 2922	Soma Rani Bhattacharyya (Chatterjee)	General	52.5	5.2	57.7	

11. As the petitioners failed to score in selection qualifying marks i.e. 68.20 as per their category so appointment letter was not issued in favour of themselves.

.....
.....
.....”

Assailing the said impugned order the instant writ petition has been filed.

Mr. Sarwar Jahan, learned counsel appearing for the petitioner relying upon the representation/complaint of the petitioner dated **September 23, 2018 annexure p-7 at page-45** to the

writ petition, submits that the allegations raised by the petitioner had not been dealt with at all in the impugned order and had the named candidate, as an instance, being dealt with by respondent no.3 in his impugned order and ultimately found ineligible for being selected in the panel, then automatically the petitioner would have a chance to become included in the panel. He submits that the example cited in the representation is one only whereas there were more in the lot. Since, the allegation of the petitioner had not been considered by the **respondent no.3** while passing his impugned order, the impugned order is bad in law and should be set aside. He further submits that the impugned order was not passed in tune with the direction of the Hon'ble Division Bench.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, this Court, at the outset, first reiterates the settled position of law is that merely being empanelled in a selection process, no right is created in favour of an empanelled candidate.

The direction of the Hon'ble Division Bench was that since the representation of the petitioner remained unheeded, the same was directed to be considered with a reasoned order, so that the petitioner is provided with

the reasons, if any, in support of his contention or reasons, if any, not accepting the contention of the petitioner.

On a close scrutiny of the impugned order, it shows that, the last candidate who qualified in the selection process obtained a total marks **68.20** whereas the petitioner has obtained **66.8**. This clearly shows that the last candidate selected in the panel has obtained more numbers in aggregate than the petitioner. The moment such reason is disclosed, it presumes that the candidates named in the representation of the petitioner allegedly being a relation of the Panchayat officials, who was selected, has obtained more marks than the petitioner.

If the contention of the petitioner is to be accepted then **272** candidates, if raises objections likewise all have to be decided which will amount to nothing but putting a scanner in the selection process and the same is not permitted in law and equity. As in that case there will be a never ending selection process.

Inasmuch, as the name alleged in the representation of the petitioner is whether an actual relation of any of the Panchayat officials or not or how she is related, these are disputed questions of facts,

which cannot be gone into in a writ petition without conducting a proper trial.

Mr. Ashok Nath Ghosh, learned counsel appearing for the private respondent no.8 submits that all the selected candidates have been working and therefore a right has been vested in their favour.

In the view of the foregoing discussions and reasons, this Court finds that that this writ petition is devoid of any merit and accordingly should be dismissed.

The impugned order dated **December 11, 2024** is not **interfered with** and **stands affirmed**.

With the above observations and directions, this writ petition **WPA 3728 of 2025** stands **dismissed**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)