

Court No. 2

09.6.2025

(Item No. 13)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 6952 of 2024

Sima Dey & Ors.

VS

The State of West Bengal & Ors.

Mr. Haradhan Mondal

.... For the petitioners

Mr. Santanu Kumar Mitra (through VC)

Mr. Subhabrata Das

.... For the State

On the prayer of Mr. Haradhan Mondal, learned advocate appearing for the petitioners, time to file exception in the form of affidavit-in-reply stands extended till today. The affidavit-in-reply filed in Court today is taken on record.

Pursuant to a notification issued on **October 16, 2009, annexure P-2** at **page 27** to the writ petition the petitioners were aspirants for the post of **Aganwadi Worker** and claimed to have participated in the selection process. The grievance of the petitioners in 2010 was that the selection process was vitiated since the same did not follow the prescribed procedure of law.

In the first round of writ litigation the State authority was directed to consider the grievance of the petitioners by an order dated **October 4, 2010**. Following the said direction

the appropriate State authority had considered the grievance of the petitioners and rejected the same by a reasoned order dated **November 25, 2010, annexure P-7** at **page 42** to the writ petition.

Decade has passed. The petitioners filed this writ petition on or about **March 6, 2024**. The solitary ground taken by the petitioners to explain the delay is quoted below:

“13. That upon receiving the so-called reasoned order, the petitioners decided to challenge the same in the Hon’ble High Court Calcutta for which they entrusted Mr. Debabrata Dasgupta, Advocate after handing over all the related papers and signing all the relevant documents for filing the writ petition in the first part of 2011 no documents were handed over to the petitioners regarding the filing of the said matter in the Hon’ble Court for a continuous long period even after pursuing the same from time to time in the chamber of the said Advocate at Birbhum District. In the meantime the petitioners have come to know that the said Advocate expired without leaving any Junior or clerk to maintain the chamber of the said Advocate and as such they could not collect any paper from the said Advocate.”

Upon considering the rival contentions of the parties and upon perusal of the materials on record and on a careful reading of the report filed by the State authority and the affidavit-in-

reply thereto, it appears to this Court that, the candidates who were selected at the relevant selection process in 2010 were selected following the due process of law. In as much as, a right has been vested in their favour for last about more than a decade. They are working. The petitioners claimed that the posts which are lying vacant, allegedly, should be filled up by the petitioners whose names had already featured in the merit list.

The selection process has already been concluded a decade ago and this Court should not interfere with the same. The explanation sought to have been given in **paragraph 13** to the writ petition, as quoted above, are also flimsy and not believable on which a Court of equity in exercise of its high prerogative writ jurisdiction shall interfere with the selection process.

There is no merit in the writ petition. Accordingly, this writ petition **W.P.A. 6952 of 2024** stands **dismissed**, without any order as to costs.

However, dismissal of this writ petition shall not be an embargo on the part of the appropriate State authority if they wish to fill up any vacant post, if any, but the same shall

be done strictly in exercise of their discretion and in accordance with law. This observation shall not create any right or equity in favour of the petitioners or anybody else.

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

(Aniruddha Roy, J.)