

Item No. – 11
21.03.2025
Rohan
Court No. 8

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**MAT 403 of 2025
With
I.A. No.: CAN 1 of 2025**

**Minati Manna
Versus
The State of West Bengal & Ors.**

**Mr. Subhrangsu Panda,
Mr. Goutam Dinda,
Mr. Sandip Ray,
Mr. Ratul Ghosal.**

... for the appellant

**Mr. Jahar Dutta,
Mr. Nirmalaya Roy.**

... for the State

1. The writ petition filed by the appellant was dismissed by the Single Bench upon noticing the earlier orders passed in relation to the recruitment process initiated in the year, 2008. The school approached the District Inspector of School for granting approval to fill up the post of non-teaching staff which was duly accorded in the year, 2006 but for the reasons best known to the school authorities, the selection process ensured in the year, 2008. Thirty odd candidates applied their candidature and the interview was to be held but the selection committee could not prepare the panel as required in law, the approval was not granted. One of the candidate approached the Court with the writ petition being WP 19053(W) of 2015 for seeking a direction upon the school authority to complete the selection process initiated on the basis of the prior permission granted by the competent authority.

2. In course the hearing, it was pointed out by the counsel for the school authority that no individual score-sheet of the members of the then selection committee was prepared and, therefore, the process of selection could not be completed. However, it was submitted by the school authority that if any direction to hold a fresh selection with the same set of candidates is passed, the school authority would ensure the compliance thereof.
3. Based upon the aforesaid submissions and the gamut of the dispute involved in the said writ petition, the Single Bench disposed of the writ petition with the following observations:

“Considering the submissions advanced by the learned Advocates for the respective parties and after perusing the records, I am of the view that justice would be sub-served if the School Authority is directed to hold the fresh selection in respect of the post of Clerk on the basis of the prior permission already granted by the Additional District Inspector of Schools (S.E.), Contai Sub-Division, Purba Medinipur on 12th September, 2006 with the same set of candidates within a period of six weeks from the date of communication of this order.”

4. Interestingly, the moment the school authority published the date of interview in terms of the said order dated 14th September, 2015 passed in the aforementioned writ petition, one of the candidate filed a writ petition being WP 28952(W) of 2015 seeking a permission to participate in the selection process conducted by way of an interview and the same Single Bench directed the school authority to permit the said writ petitioner to participate in the interview which was scheduled to be held on 6th January, 2016.

5. Despite the order passed on 14th September, 2015, though steps were taken but the interview could not be conducted on 6th January, 2016 as the said order dated 14th September, 2015 was challenged before the Intra-Court Appeal being MAT 1420 of 2017. The said Mandamus Appeal remained pending for a considerable period of time and was ultimately withdrawn by the appellant therein on 21st May, 2024. After the embargo perceived by the school authority is lifted, further date for interview was duly published which encouraged the present appellant to move the writ petition on the ground of parity. The parity is sought with regard to the second writ petition filed before this Court that if the said candidate is permitted to participate in the interview, there is no fetter on the part of the present appellant to offer his candidature being possessed of all eligible qualification. The Trial Court, after noticing the aforesaid facts and the fact that the petitioner was minor at the time of initiation of the said selection process, proceeded to dismiss the writ petition.
6. It is no longer *res integra* that the eligibility should remain as on the date of the initiation of a selection process and the candidate who acquired eligibility subsequent thereto, cannot seek any mandamus to participate in the selection process. The contention of the appellant, if accepted, then the selection process which was initiated a decade before cannot be completed if there is any delay in completing thereof as in the interregnum, many candidates will acquire the eligibility qualification. It is not a fresh selection process initiated for the first time. The selection process which was initiated in 2008 is being carried forward and the vacancy which arose as on the date of such publication is required to be filled up. Admittedly,

the appellant was minor and cannot offer his candidature in published employment.

7. Since it is a selection process of 2008 which is directed to be conducted and the petitioner did not possess the eligibility criterion as on the date of the initiation, we do not find any infirmity in the order of the Single Bench in dismissing the writ petition.
8. The appeal being **MAT 403 of 2025** and the application being **CAN 1 of 2025** are **dismissed**.
9. No order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(HARISH TANDON, J.)

(OM NARAYAN RAI, J.)