

28.04.2025
Court No. 18
Item No.44 (DL)
(**Suvenu**)

WPA 8170 of 2025

Uttiya Mandal & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. Ali Ahasan Alamgir
Mr. Soma Mal
Ms. Rabia Khatoon
.....for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha
.....for the State

Mr. Avishek Prasad
Mr. Sourodeep Singha
.....for the DPSC, Malda

Affidavit-of-service filed on behalf of
petitioners is taken on record.

Document in support of petitioners'
putting in deficit Court Fees is placed before this
Court and same is also taken on record.

Matter relates to appointment in the
post of Primary Teacher in the district of Malda
in connection with a selection process which was
scheduled to be initiated in 2009. Series of
litigations followed after initiation of selection
process and the long legal battle culminated into
an order passed by the Co-ordinate Bench on
26th April, 2024. In the order dated 26th April,

2024 it was observed that candidates who were called for the interview in the aforesaid selection process and have filed the writ petitions before this Court till 25th April, 2024 shall be entitled to appointments against the existing and future vacancies. It was further observed that if applications for addition of parties have been filed on or before the aforesaid cut-off date in that event added candidates shall get the benefit of the order dated 26th April, 2024 and shall be treated similarly circumstanced like writ petitioners in the writ petition being *WPA 25712 of 2022*.

In the present case, though petitioners participated in the aforesaid selection process but they have filed the writ petition on 8th April, 2025 claiming appointment in the vacancies of Primary Teacher in the district of Malda since some of the selected and eligible candidates did not join the post.

On behalf of District Primary School Council, Malda (for short, '*DPSC, Malda*') and State respondents prayer of the petitioners has been opposed on the strength of the order passed by the Hon'ble Division Bench dated 24th June, 2024 passed on *intra-court* appeals being ***MAT 994 of 2024 (Rakhi Chakraborty vs.***

State of West Bengal & Ors.) and **MAT 996 of 2024 (Shanaj Begum vs. State of West Bengal & Ors.)**. It is submitted that the issue is no more *res integra* since it had been decided by the Hon'ble Division Bench in order dated 24th June, 2024 that relaxation of cut-off date is not permissible considering the date of filing of the writ petitions by the respective parties and today if present writ petition is allowed, Court is required to extend the time for giving direction to appoint the petitioners. In addition thereto it is also submitted on behalf of DPSC, Malda that petitioners are not the empanelled candidates for being appointed in the post of Primary Teacher in the district of Malda. Therefore, no right accrues in their favour.

Having considered the submissions made on behalf of the respective parties, it appears though effort is made by learned advocate representing the petitioners to make out a case that it is not the case of mere relaxation of cut-off date which was fixed by the order of the Co-ordinate Bench dated 26th April, 2024 but petitioners being eligible candidates and in view of availability of vacancies due to non-joining of some candidates from the panel, right accrues in favour of the petitioners in this writ petition to get offer of appointments.

Such contention raised on behalf of the petitioners is found to be not acceptable in view of the issue being decided by the Hon'ble Division Bench in ***Rakhi Chakraborty*** (supra). Today if Court gives direction upon the concerned respondent authorities to give appointments to the petitioners in the post of Primary Teacher in the district of Malda in that event cut-off date of 25th April, 2024 which was fixed by the Co-ordinate Bench *vide* order dated 26th April, 2024 has to be relaxed. Such scope is no more left open in view of the issue being decided in ***Rakhi Chakraborty*** (supra). Relevant part of the order of the Hon'ble Division Bench in ***Rakhi Chakraborty*** (supra) is quoted below:

"In fact the petitioner intended to avail the benefit of the Judgment dated 26.04.2024. The moment the Court has restricted the benefit at a particular date and the said order attend (sic) finality having passed in presence of the parties, such date is inflexible and the benefit can only be extended to such persons who comes within the ambit thereof and cannot be extended to the others solely on the ground that they stand on a same footing that of the others."

It also needs to be recorded that pertaining to 2009 selection process relating to North 24 Parganas district **Special Leave Petition (Civil) Diary No(s). 9112/2025 (Indrani Golder & Ors.**

Vs. The State of West Bengal & Ors.) was preferred by some of the candidates wherein Hon'ble Supreme Court dismissed Special Leave Petition vide order dated 21st February, 2025. In similar circumstances, this Court also passed order in **WPA 7327 of 2025 (Mst. Wahida Rahman & Ors. Vs. The State of West Bengal & Ors.)**

A copy of order of the Hon'ble Supreme Court dated 21st February, 2025 and a copy of the order passed by this Court in **Mst. Wahida Rahman** (supra) dated 8th April, 2025 are taken on record.

In view of aforesaid discussions, no relief can be granted to the petitioners.

Hence, writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)