

Form J(2)
Sl.No.14
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**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Aniruddha Roy

W.P.A. 8904 of 2023

Pijus Mandal

Vs.

State of West Bengal & Ors.

For the petitioner	:	Mr. Gaus ul Alam, Adv.
For the Respondents / State	:	Mr. Arjun Roy Mukherjee, Adv. Ms. A. Panja Mallick, Adv.
Heard on	:	August 04, 2025
Judgment on :	:	August 04, 2025

Aniruddha Roy,J. :

Mr. Gaus ul Alam, learned Advocate appears for the petitioner.

Mr. Arjun Roy Mukherjee, learned Advocate appears for the respondents State.

Facts :

1. The petitioner contends that, the petitioner is a land loser whose land and/or land of his predecessors had been acquired sometime in **1984**. Referring to the Government Notification dated **May 12, 2000**,

Annexure – P5, at page 25 to the writ petition learned Advocate for the petitioner submits that, under the **Land Losers Category** and also as an **Exempted Category** being Scheduled Caste, the petitioner is entitled to get an employment.

2. The record shows that, the jurisdictional Employment Exchange has sponsored the name of the petitioner under the **Land Losers Category** for employment in the relevant selection process. The communication issued from the Directorate of Technical Education dated **November 16, 2022, Annexure - P9, at page 40** to the writ petition shows that, the petitioner has duly participated in the selection process but he has not been selected in the Final List for the said post.

Submissions :

3. Challenging the said impugned decision for not being selected for the employment as a land loser, the petitioner has filed the instant writ petition. The petitioner through this writ petition has prayed for a suitable opportunity of employment as a **Land Loser** of the **Exempted Category** in terms of the scheme of the Government. In support, learned Advocate for the petitioner has placed reliance upon an order dated **November 22, 2024** passed by a coordinate Bench of this Court **In the matter of : Pradip Kumar Mandal –vs.- The State of West Bengal & Ors.** rendered in **WPA 4991 of 2023**.

4. Mr. Arjun Roy Mukherjee, learned State Advocate submits that, in terms of the said notification dated **May 12, 2000** the name of the petitioner had already been sponsored, he had participated in the selection process and ultimately became unsuccessful. As such, he does not have any vested right to claim an employment under the **Exempted Category** or **Land Losers Category**.

Decision :

5. After considering the submissions made on behalf of the parties and on perusal of the materials on record it appears to this Court that, in accordance with the policy of the State dated **May 12, 2000**, the petitioner has been granted an opportunity and he has participated in the selection process under the **Exempted Category** of land losers. The petitioner could not succeed on merit in the said selection process.
6. **In the matter of : Pradip Kumar Mandal (supra)**, the order was passed by the coordinate Bench on concession made by the learned State Advocate, whereas, in the instant case, the learned State Advocate has vehemently opposed the prayer of the writ petitioner and submits that, once the petitioner has become unsuccessful on merit in the selection process, there will be no question of further consideration, as the same is not permitted under the relevant scheme for the land losers.

7. The law is well settled that, unless a candidate succeeds on merit in a selection process and comes within the consideration zone for being considered for the relevant employment and receives the appointment, no right is accrued in favour of such unsuccessful candidate.
8. On perusal of the prayers made in the writ petition it appears to this Court that, even though no right is created in favour of the petitioner after being unsuccessful in the relevant selection process, the petitioner has prayed for further recommendation of his candidature for granting a further opportunity of employment, this is not permissible in law.
9. In view of the foregoing reasons and discussions this Court is of the considered view that, this writ petition is totally devoid of any merit and should not succeed.
10. Accordingly, this writ petition, **WPA 8904 of 2023** stands **dismissed**, without any order as to costs..
11. This order of dismissal shall not affect the right of the petitioner for receiving monetary compensation arising out of the acquired land, if the petitioner is found to be entitled in accordance with law and if not paid already.
11. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)