

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 9720 OF 2025

Mousumi Ghosh & Anr.

VS.

State of West Bengal & Ors.

For the Petitioners	:	Ms. Mayuri Ghosh Mr. Partha Chakraborty
For the WBBPE	:	Mr. Ratul Biswas Mr. Kaushik Chowdhury
For the DPSC, North 24 Parganas	:	Mr. Bhaskar Prasad Vaisya Mr. Pinaki Bhattacharyya
For the State	:	Mr. Supriyo Chattopadhyay Ms. Sayantani Bhattacharjee

Heard on: 03.07.2025

Judgment on: 03.07.2025

SAUGATA BHATTACHARYYA, J:

1. Writ petition is filed by the candidates who are seeking consideration of their candidature in connection with 2009

selection process for appointment of primary teachers in the district of North 24 Parganas. It is submitted on behalf of the petitioners that petitioners being eligible candidates are required to be considered for appointment in connection with 2009 selection process as posts are lying vacant. It is also submitted that less meritorious candidates were favoured with appointment which confers right upon petitioners to be considered in the said selection process. Prayer is made for issuance of mandamus giving direction upon concerned respondent authorities to make further exercise in order to appraise the candidature of the petitioners for filling up the posts of primary teachers from the pool of vacancies in connection with 2009 selection process.

2. Prayer made on behalf of the petitioners is opposed by learned advocates representing the respondents. It is submitted that issue is no more *res integra* in view of the order passed by a Coordinate Bench dated 25th April, 2024 on a batch of matters first one being **WPA 20966 of 2022 (Kakali Mondal Vs. The State of West Bengal & Ors.)**. It is also submitted that decision of **Kakali Mondal** (supra) was questioned before the Hon'ble Division Bench in connection with intra-court appeal being **MAT 1180 of 2024 (Soumini Saha @ Soumini Saha Maity & Anr. Vs. The State of West Bengal & Ors.)** but the order dated 25th April, 2024 passed in **Kakali Mondal** (supra) was not interfered with

which prompted some candidates to prefer SLP before the Hon'ble Supreme Court being **Special Leave Petition (Civil) Diary no(s). 9112 of 2025 (Indrani Golder & Ors. Vs. The State of West Bengal & Ors.)** Hon'ble Supreme Court dismissed the said Special Leave Petition vide order dated 21st February, 2025. It is submitted that on similar facts and circumstances this Court has passed order on a writ petition being **WPA 10790 of 2025 (Ashok Kumar Pramanick Vs. The State of West Bengal & Ors.)** which covers the issue involved in this writ petition.

3. Having considered respective submissions made on behalf of the parties, this Court finds that in **Kakali Mondal** (supra) taking note of order dated 9th April, 2024 passed in **WPA 3268 of 2015 (Sourav Naskar & Ors. Vs. State)** it was specifically observed by the coordinate Bench that all candidates who were called for interview in 2009 selection process and who have filed writ petitions until 24th April, 2024 shall be entitled to appointments against existing or future vacancies. It was also observed in paragraph 14 that all applications for addition of parties affirmed until 24th April, 2024 need similar consideration. Order passed in **Kakali Mondal** (supra) was tested in one intra-court appeal being **MAT 1180 of 2024** and Hon'ble Division Bench while dismissing the said appeal affirmed the directions as contained in **Kakali Mondal** (supra). Matter ultimately travelled before the Hon'ble

Supreme Court resulting in dismissal of Special Leave Petition vide order dated 21st February, 2025 passed in **Indrani Golder** (supra).

4. In view of aforesaid settled position in connection with 2009 selection process, which was considered in connection with district of North 24 Parganas, this Court finds that it is not open to this Court to consider candidature of those candidates /participants in the said selection process who filed writ petitions after 24th April, 2024. In the present case, writ petition was instituted on 29th April, 2025 which is long after the cut-off date fixed by the coordinate Bench in **Kakali Mondal** (supra).

5. It needs to be recorded herein that the panel in connection with 2009 selection process for the district of North 24 Parganas was published on 10th February 2021 and same extinguished on 9th February, 2022 after expiry of one year.

6. It is trite law that right of a candidate to question the validity of a selection process remains till the date of expiry of the panel and after expiry of panel such right gets extinguished.

7. In this regard reliance is placed on the judgments of the Hon'ble Supreme Court, one reported in **(1996) 9 SCC 309 (State of Uttar Pradesh & Ors. Vs. Harish Chandra & Ors.)** and another reported in **(2009) 2 SCC 706 (Girdhar Kumar Dadhich & Anr. Vs. State of Rajasthan & Ors.)**.

8. Hon'ble Supreme Court in **Ali Hossain Mandal & Ors. Vs. West Bengal Board of Primary Education & Ors.**, reported in **2024 SCC OnLine SC 1189**, observed that no further appointment is permissible from the recruitment process after expiry of the panel in the event such panel is not extended in terms of relevant recruitment rules (*paragraph 29*).
9. Hence at this belated stage no relief can be granted to the petitioners and the writ petition stands dismissed.
10. There shall be, however, no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(SAUGATA BHATTACHARYYA, J.)