

20.06.2025
Court No. 18
Item No. 06
(Suvendu)

WPA 10256 of 2025

Balaram Maiti
-Versus-

The State of West Bengal & Ors.

Mr. Balaram Maiti
.....Petitioner (in-person)

Mr. Vimal Kumar Shahi, Ld. AGP
Mr. SM Samim Ullah
.....for the State

Mr. Kanak Kiran Bandyopadhyay
....for the WBCSSC

Petitioner appears in-person. It is submitted by the petitioner that he participated in 11th Regional Level Selection Test, 2010 (for short, “11th RLST, 2010”) for being appointed as an Assistant Teacher. Said selection process was conducted by the West Bengal Central School Service Commission (for short, “Commission”).

It appears from the submission made on behalf of the parties that the panel was notified on conclusion of selection process on 22nd March, 2011 and same remained valid for a period of one year. Therefore as per submission made on behalf of the parties it appears that panel expired in 2012 but the writ petition was filed on 5th May, 2025, after thirteen years.

Question arises for consideration why petitioner has come up with the present writ petition questioning preparation of said panel excluding name of the petitioner after thirteen years.

In order to explain delay, it is submitted by the petitioner that he was not mentally fit for a period of two years and thereafter in spite of making effort no advocate was ready to accept case of the petitioner as a result whereof such inordinate delay occurred. Submission is made that in terms of relevant provisions of the Limitation Act present writ petition may be entertained.

Hon'ble Supreme Court has observed in **Shiv Dass Vs. Union of India**, reported in **(2007) 9 SCC 274** that there is no period of limitation in filing writ petition but the litigant needs to come within reasonable time which is three years. Ratio of **Shiv Dass** (supra) was considered by the Hon'ble Supreme Court in a subsequent judgment reported in **(2007) 9 SCC 278 (New Delhi Municipal Council Vs. Pan Singh and Ors.)**.

In the present case, after expiry of the panel in 2012 writ petition has been filed precisely after thirteen years on 5th May, 2025. If Court accepts explanation of the petitioner for a period of two years when he remained unwell then petitioner is

required to offer explanation from 2014 onwards in support of causing delay in approaching this Court raising grievance relating to the selection process which was conducted in 2010-11.

It needs to be taken into consideration that on completion of the selection process that is 11th RLST, 2010 panel was prepared which expired in 2012 and pool of vacancies earmarked for the said selection process were filled up by giving appointments. If today petitioner is accommodated by entertaining this writ petition a candidate who is serving on being selected in 11th RLST, 2010 has to go.

In addition thereto, Hon'ble Supreme Court has enunciated law in **(1996) 9 SCC 309 (State of Uttar Pradesh & Ors. Vs. Harish Chandra & Ors.)** and **(2009) 2 SCC 706 (Girdhar Kumar Dadhich & Anr. Vs. State of Rajasthan & Ors.)** 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.

In the present case since petitioner has approached this Court questioning the panel which expired in 2012 by filing a writ petition on 5th May, 2025, no relief can be granted to the petitioner at this belated stage.

Writ petition stands dismissed.

Urgent photostat certified copy of this order,
if applied for, be given to the parties on usual
undertaking.

(Saugata Bhattacharyya, J.)