

Form No. J(2)
Item No. DL / 8
ARPAN – A.R.(CT)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. No.11983 of 2025

Smritikona Patra & Others

Vs.

The State of West Bengal & Others

Before: The Hon'ble Justice Saugata Bhattacharyya

For the Petitioners : Mr. Tulsi Das Maiti, Adv.
Ms. Namita Basu, Adv.

For D.P.S.C., Howrah : Mr. Ratul Biswas, Adv.
Mr. Kaushik Chowdhury, Adv.

Heard On : 19.06.2025 & 15.07.2025

Judgment On : 15.07.2025

Saugata Bhattacharyya, J.:

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Petitioners participated in the selection process of 2009 for being appointed as Primary Teachers in the district of Howrah.

3. It is submitted by the learned advocate representing the petitioners that legality and validity of the said selection process is questioned in the present writ petition and prayer is made for issuance of mandamus giving appropriate directions upon the concerned respondent authorities to undo the settled position based on panel in connection with the 2009 selection process which was prepared in 2014.

4. District Primary School Council, Howrah is represented by learned advocates.

5. It is submitted on behalf of the Council that certain candidates were given appointments after the order of a Co-ordinate Bench dated 9th April, 2024 passed on a batch of writ petitions, first one being **WPA 3268 of 2015** (*Sourav Naskar & Ors. vs. The State of West Bengal & Ors.*) wherein the Co-ordinate Bench fixed 31st March, 2024 as cut-off date allowing candidates to be appointed who filed writ petitions and approached this Court on or before 31st March, 2024. The order was passed under special circumstances and it was clarified that the candidates, who approach the Court subsequently, would not be permitted to get the same benefit.

6. However, in the present case, an attempt is made to make out a case questioning legality and validity of the selection process of 2009 for recruitment of Primary Teachers in the district of Howrah. Present writ petition was filed on 23rd May, 2025 challenging the selection process of 2009 and panel was prepared in 2014 which expired long back.

7. It is trite that after expiry of panel right of the candidates to question the selection process is extinguished. In this regard reliance is placed on the judgments of the Hon'ble Supreme Court 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. In recent past Hon'ble Supreme Court has delivered a judgment on 9th May, 2024 reported in **(2024) SCC Online SC 1189 (Ali Hossain Mandal & Ors. vs. West Bengal Board of Primary Education & Ors.)** where in paragraph 29 it was unequivocally observed that no relief can be granted to the candidates, who approach the Court after expiry of the panel.

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

10. Hence, writ petition stands dismissed.

11. However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)