

M/L 102
07.04.2025
Court. No. 236
Sourav

WPA 9870 of 2012

Amit Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

...for the State.

1. The writ petitioner and the private respondent no. 6 are not represented today.
2. Mr. Arindam Chattopadhyay, learned advocate for the State is present in virtual mode.
3. This Court has heard Mr. Chattopadhyay, learned advocate for the State at length.
4. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondents/authorities commanding them to cancel the appointment letter of the private respondent no. 6 as has been annexed at page no. 21 of the affidavit-in-opposition of the private respondent no. 6.
5. On careful consideration of the entire materials as placed before this Court, it reveals that after interview, the private respondent was selected for the post of 'Clerk' in the Scheduled Cast category and thus in the panel the name of the petitioner was placed at the top while the name of the present writ petitioner was placed immediately thereafter.

6. On perusal of the affidavit-in-opposition as filed on behalf of the respondent/State, it reveals that on an earlier occasion, the writ petitioner filed WP No. 20994 (W) of 2009 which was dismissed by a co-ordinate Bench vide order dated 04.12.2009 thereby granting liberty to the writ petitioner to make representation before the DI/S S.E. Howrah. While considering such representation, the said D.I. noticed that one of the members of the Selection Committee who is a Panchayat nominee did not sign the panel out of five members.
7. It further reveals from the affidavit-in-opposition of the State that subsequent thereto the writ petitioner filed another writ petition being WP No. 8051 (W) of 2010 praying for cancellation of the said panel which came to be disposed of on 15.02.2011 by another co-ordinate Bench of this Court. It further reveals from the affidavit-in-opposition of the respondent/State that the said D.I. noticed that a mere refusal to sign by the Panchayat nominee of the selection panel cannot be a ground for rejection of the panel and accordingly, the said D.I. under cover of its memo dated 08.02.2012 (a copy of which has been annexed at page no. 8 of the affidavit-in-opposition of the respondent/State) approved the said panel and on the basis of such approval, appointment letter was issued by the respondent no. 3, i.e., Secretary, Amta Balika Vidyalaya, Howrah.

8. On careful consideration of the versions of the writ petitioner, it appears to this Court that the writ petitioner has failed to make out a case for cancellation of the appointment of the private respondent no. 6 as prayed for. It further appears to this Court that the writ petitioner is equally unsuccessful to place any case that the selection panel as has been constituted for the purpose of selection of 'Clerk' in the S. C. category in Amta Balika Vidyalaya (H.S.) has acted either in a partial or in a bias manner.
9. In view of such, this Court thus finds no merit in the instant writ petition.
10. Accordingly, the instant writ petition being **WPA 9870 of 2012** is hereby dismissed.
11. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)