

19.05.2025
SI No.10
Court No.8
(gc)

**FMA 602 of 2025
CAN 1 of 2024**

**Pintu Nandi
Vs.
The State of West Bengal & Ors.**

Mr. D.N. Ray, Sr. Adv.,
Mr. Biswarup Nandy,
Mr. Sourav Halder
...for the Appellant.
Mr. Supriyo Chattopadhyay, Ld. A.G.P.,
Ms. Sayantanee Bhattacharjee
...for the State.

1. The appeal is arising out of an order passed by the learned Single Judge on 10th April, 2024 in a writ petition in which the present appellant has prayed for appointment pursuant to a selection process initiated in respect of Halisahar Ramprasad Vidyapith in the year 2008.
2. Mr. D.N. Ray, learned Senior Counsel appearing on behalf of the appellant has submitted that on the basis of the result of the Test initiated by the Managing Committee for filling up of two vacancies in the post of 'Laboratory Attendant' prepared a panel in which the appellant/writ petitioner was no.1. It is submitted that the said selection ultimately did not culminate any appointment since in the meantime he was entangled in a false criminal case and ultimately on 3rd January, 2024 he was found 'not guilty'. It is

submitted that in view of such subsequent development and having regard to the fact that he was the no.1 candidate in the panel, his case may be suitably considered for appointment with relaxation of the age bar as the writ petitioner was not responsible for the time lag in between.

3. Mr. Supriyo Chattopadhyay, learned A.G.P appearing on behalf of the State has reiterated his submission made before the learned Single Judge that the said panel was never approved by the respondent no.4 and it has suffered a natural death by reason of introduction of West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-Teaching Staffs) Rules, 2009 which now governs the filling up vacancy with regard to the appointment in relation to such posts. The selection process adopted earlier has been superseded by reason of introduction of the said Rules, 2009 as it supersedes all earlier Rules.
4. It is an admitted position that the earlier selection process conducted by the Managing Committee of the said school did not reach to its finality, moreover, the panel was neither approved by the respondent no.4 nor there is

any material to suggest that the Managing Committee of the school took steps to get the said panel approved following the advice from the respondent no.4.

5. It is trite law that mere empanelment does not create any vested right for appointment. Moreover, the said panel was never approved and it appears that the earlier Rules have been superseded by the Rules of 2009. In that view of the matter, we do not find any reason to interfere with the order passed by the learned Single Judge.
6. The appeal fails.
7. Accordingly, the appeal and the connected application are dismissed.
8. However, there shall be no order as to costs.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)