

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT /CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

P r e s e n t :

The Hon'ble Justice TapabrataChakraborty

And

The Hon'ble Justice ParthaSarathiChatterjee

FMA 1277 of 2025
+
IA No.: CAN 1 of 2025 [Stay]

BalaramMaiti
– *Versus* –
The State of West Bengal & Others

Appellant –in-person : Mr.BalaramMaiti

For the State : Mr. V.K. Shahi,
Mr. SM SamimUllah

For the WBCSSC : Mr.KanakKiranBandyopadhyay

Heard on : 10.12.2025

Judgment on : 10.12.2025

ParthaSarathiChatterjee, J. :-

1. Affidavit-of-service, as filed, be kept on record.
2. Almost 13 years after the selection process was over, an unsuccessful candidate, the appellant herein, knocked at the door of this Court with a complaint that appropriate marks had not been awarded to him upon assessment of his answer scripts.

3. The facts that need to be adumbrated for effective adjudication of the appeal are that the writ petitioner/ appellant (hereinafter referred to as the appellant) participated in a selection process, namely the 11th Regional Level Selection Test, 2010 (in short, 11th RLST, 2010), initiated by the West Bengal Central School Service Commission (in short, the Commission), to fill up the post of Assistant Teachers in secondary schools.
4. After completion of the selection process, the panel was notified on 22nd March, 2011. As per the Rules applicable to the selection process, the panel remained valid for a period of one year, that is, up to 2012. The writ petition was filed on 5th May, 2025 seeking a direction upon the concerned respondents or authority to accord approval of appointment to the writ petitioner to the post of Assistant Teacher. In addition, a further prayer was made for a declaration that the selection process, being the 11th RLST, 2010, is illegal, arbitrary and void.
5. By the order under challenge in this appeal, the writ petition was dismissed mainly on two grounds: (i) on the ground of delay, and (ii) that the right of a candidate to question the validity of the selection process subsists only until the expiry of the panel, and upon such expiry, that right stands extinguished.
6. The appellant, appearing in person, invites our attention to an observation made by the learned Single Judge in the order impugned in this appeal, namely that 'if today the petition is accommodated by entertaining this writ petition, a candidate who is serving on being selected in the 11th RLST, 2010 has to go,' and submits that such observation clearly reflects that he was an eligible candidate for the post.

7. He further submits that immediately after the selection process was over, he was mentally depressed and he remained in depression for a period spanning over two years and thereafter, due to various physical and mental disturbance, he could not approach the Court promptly.
8. He submits that such belated approach may be condoned and a direction be given upon the concerned respondents/authority to issue a letter of appointment in favour of him and to approve the said appointment and to pay all the consequential benefits including the continuity of service.
9. Mr. Bandyopadhyay, learned advocate representing the Commission, submits that the learned Single Judge has correctly refused to entertain such writ petition which was preferred in respect of the selection process almost after 13 years. He submits that there is no scope for interference in this appeal.
10. Mr. SammimUllah, learned advocate appearing for the State/respondents, adopts the submission advanced on behalf of the Commission and prays for dismissal of this appeal.
11. Heard the learned advocates appearing for the respective parties and perused the materials on record.
12. Indisputably, the selection process, being 11th RLST, 2010, initiated in 2010 and the panel was notified on 22nd March, 2011 upon conclusion of the selection process and the said panel remained valid for a period of one year. Therefore, the said panel expired in the year 2012 and the writ petition was filed in 2025 i.e., almost after 13 years. The learned Single Judge in the order, impugned in the appeal, recorded that although there is no limitation in filing writ petition; however, it is expected that a person, who is intended to get his/her grievance redressed through the intervention of a writ Court, should

approach the Court promptly and within a reasonable period of time and since the petitioner approached the Court with the writ petition after 13 years, it refused to exercise its discretion in favour of the petitioner. The petitioner also failed to offer any acceptable and reasonable explanation to justify such delay.

13. In view thereof, we are of the view that there is no infirmity and perversity in the order, impugned in the appeal, warranting interference with the same.
14. Accordingly, the appeal and the connected application for stay are dismissed. There shall, however, be no order as to costs.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(ParthaSarathiChatterjee, J.) (TapabrataChakraborty, J.)