

16.06.2025.
Item No. 8
Court No. 13
pk

FMA No. 968 of 2024
CAN 1 of 2024
Anindita Debnath and others
Versus
State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri,
Mr. Lalratan Mondal,
Mr. Dilip Kumar Sadhu,
Ms. Gopa Mainan.

....For the appellants.

Mr. Amal Kr. Sen, Id. A.G.P.,
Ms. Ashima Das (Sil).

..for the State.

1. The subject matter of challenge in the instant appeal is an order dated 30.04.2024 passed by the Single Bench in WPA 30281 of 2016. The subject of the writ petition was a reasoned order dated 08.11.2016 passed by the Child Development Project Officer (Acting), Kharagpur-I, ICDS Project. The Single Bench found that the argument advanced by the appellants that with the withdrawal of 120 additional Anganwadi Centres out of 220 centres advertised, the entire selection process ought to be cancelled, was not sustainable in law.
2. It was further found that since engagement in the post was completely honorary, voluntary, temporary and terminal at any point of time, no vested right can accrue to challenge appointments to the said post.
3. The Single Bench also found notice by this Court that each of the appellants/writ petitioners secured

lesser marks than the last appointed candidate in both general and reserved categories.

4. The argument which is advanced before this Court for the first time although taken in the writ petition but not pressed before the Single Bench is that since after withdrawal of 120 Anganwadi Centres, 5 per cent quota for government employees in the home category would automatically stand reduced and the petitioners would become eligible, has not been clearly proved before this Court. Neither in the impugned order nor before the Single Bench was this issue raised nor any report sought from the State.
5. In that view of the matter, this Court has to conclude that the issue was never found sustainable either in fact or law by the writ petitioners themselves and hence not raised before the Single Bench.
6. There is no clear evidence brought before this Court to indicate that since after withdrawal of 120 Anganwadi Centers, more than 5 per cent were recruited against the home quota after reduction of number of centres.
7. In view of the above, FMA 968 of 2024 fails and is hereby dismissed. Consequently, CAN 1 of 2024 is also dismissed.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)