

13.02.2025
Court No. 18
Item No.104(ML)
(Suvendu)

WPA 22128 of 2023

Kutub Uddin Biswas
-Versus-
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharyya
Mr. Anindya Bose
Mr. Golam Mohiuddin
.....for the petitioner

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
.....for the WBMSC

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Ranjan Saha
...for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

Matter relates to selection process namely
6th SLST, 2013 conducted by the West Bengal
Madrasah Service Commission for appointment
of Assistant Teachers in Madrasahs.

It has been contended on behalf of the
petitioner that petitioner has participated in the
aforesaid selection process with teacher training
qualification but in spite of possessing
qualification he was not given preference while
giving appointment. In support of such

contention, reliance is placed on order of a Coordinate Bench dated 14th June, 2022 passed on a writ petition being WPA 10450 of 2019 (Akmol Hossain & Ors. Vs. The State of West Bengal & Ors.). It is submitted on behalf of the petitioner that since in Akmol Hossain (supra) the concerned authority of West Bengal Madrasah Service Commission was directed to give preference to the petitioners in that writ petition since they were having teacher training qualification petitioner in the present case is entitled to get same treatment in the matter of appointment in the post of Assistant Teacher in connection with 6th SLST, 2013.

Learned advocate representing the West Bengal Madrasah Service Commission submits that aforesaid selection process was complete long back, a panel was prepared on concluding the selection process on 30th June, 2018 and panel expired on 30th June, 2019 whereas present petition was filed on 12th September, 2023. According to the Commission, present writ petition is not maintainable since same was filed much after expiry of the panel.

Having considered the submissions made on behalf of the parties and taking note of the materials available on record, it transpires that

though petitioner appeared in 6th SLST, 2013 but he approached the Court in the present case on 12th September, 2023 which is approximately four years after expiry of the panel. Panel prepared in connection with the aforesaid selection process expired on 30th June, 2019. Though reliance is placed on the order passed on Akmol Hossain (supra) but petitioner is not entitled to get benefit of the ratio of Akmol Hossain (supra) since that writ petition was filed on 14th June, 2019 that is prior to expiry of the panel. In the present case, it appears that petitioner is fence sitter. He filed the writ petition four years after the expiry of panel. It is trite law that after expiry of panel candidate loses right to agitate his grievance in connection with a particular selection process.

In this regard reliance is placed on the judgments of the Hon'ble Supreme Court, one 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.)**.

Hence, the writ petition stands dismissed.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)