

18
12.11.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 24607 of 2025

**Durga Pradhan
-versus
The State of West Bengal & Ors.**

**Mr. Arijit Pradhan,
Mr. Sk. Sahjahan Ali,
Ms. Shreya Banerjee.
...For the Petitioner.**

**Mr. Supriyo Chattopadhyay,
Mr. Manoj Kumar Mondal.
...For the State.**

1. Affidavit of service filed in Court today is taken on record.

2. The petitioners seek to be appointed in the post of Special Education Teachers. They, however, are not eligible to participate in the recruitment process in view of the age limit prescribed in the West Bengal School Service Commission (Recruitment of Persons for Appointment to the Posts of Special Education Teachers) Rules, 2024. The maximum age limit prescribed in the Rules is 40 years. All the writ petitioners have crossed the prescribed age limit.

3. Submission of the petitioners is that had the authorities taken steps promptly in compliance with the judgment dated 28th October, 2021 passed by the Hon'ble Supreme Court in the matter of **Rajneesh Kumar Pandey & Ors. v. Union of India** reported in **(2021) 17 SCC 1**, the recruitment process could have been initiated earlier and the petitioners would have been within the prescribed age limit.

4. Reliance has been placed on paragraph 57(C) of the aforesaid judgment in support of the

submission that the authorities were directed to initiate appointment process to fill up the vacancies and the process was to be completed within six months from the date of the order or before commencement of the academic year 2022-23, whichever is earlier.

5. As the authority published the recruitment Rules in the year 2025, long after the time prescribed by the Hon'ble Supreme Court expired, in the meantime, the petitioners crossed the prescribed age limit for participation in the recruitment process.

6. Prayer has been made to direct the authority to consider their case for age relaxation as has been done in a few other States viz., Bihar and Telangana.

7. Submission and prayer of the petitioners are opposed by the learned advocate representing the State and the West Bengal Central School Service Commission. It has been submitted that there is no direction passed by the Hon'ble Supreme Court permitting age relaxation.

8. The petitioner cannot, as a matter of right, claim relaxation of age for participating in the recruitment process. It has been submitted that the Hon'ble Supreme Court, in *Rajneesh Kumar Pandey* (supra), passed further direction on 7th March, 2025 directing grant of age relaxation only in respect of the persons who are already working and teaching for the last many years. The petitioners do not fall within that category and, accordingly, relaxation cannot be allowed.

9. I have heard the submissions made by the parties and have perused the materials placed before this Court.

10. The Hon'ble Supreme Court in its judgment in *Rajneesh Kumar Pandey* (supra) had actually prescribed a time limit within which the authorities were directed to take steps for initiation of the recruitment process. Fact remains that in this State the recruitment process did not start within the prescribed

time limit. The State published the Rules for appointment only on 22nd January, 2025, prescribing the age limit of the candidates eligible to participate in the recruitment process.

11. The order passed by the Hon'ble Supreme Court on 7th March, 2025 considered the age relaxation of the persons who were already in service. No sought of age relaxation has been permitted by the Hon'ble Supreme Court in respect of any other category of candidates.

12. Fixation of age for participating in a public recruitment process is within the jurisdiction of the authority. The Court, usually, does not exercise the power of judicial review to ascertain or adjudicate whether the eligibility criteria is properly prescribed or not.

13. In the instant case, framing of the Rules of recruitment and initiation of the recruitment process is a follow up of the directions passed by the Hon'ble Supreme Court from time to time. It is for the said Court to decide whether the order(s) have been complied with by the authority in the manner as directed. This Court is not minded to exercise jurisdiction in the matter.

14. It will be open for the petitioners to approach the Hon'ble Supreme Court for any further relief in connection with the subject issue.

15. The writ petitions stand dismissed.

16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)