

13.06.2025
Sl. No.03
Ct No. 3
SG

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

W. P. A. 1126 of 2025

Usha Ray @ Roy & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Suman Sehanabis (Mondal),
Ms. Anwesha Chakraborty,
Ms. A. Chakraborty.

... for the petitioners

Mr. Momenur Rahman,
Mr. Bikash Singha.

... for the State

1. The petitioners have preferred the present writ petition, seeking cancellation of the recruitment process initiated for the post of “*Anganwari Sahayieka*” under the Mekhliganj ICDS Project, Cooch Behar as advertised vide notification no. 164/ICDS/MEG dated 16.11.2009.
2. The case of the petitioner is that all of them had participated in the selection process for the said post pursuant to the aforementioned notification.
3. Learned Counsel for the petitioners submits that the selection process had remained stayed in this Court for a considerable period and was eventually concluded pursuant to the order dated 23.09.2021 passed in WPA 36 of 2021. The results were subsequently declared and none of the petitioners’ name were included in the final panel by the concerned authority pursuant to the Hon’ble Court’s order, although the facts remains that the petitioners have fulfilled all the eligibility criteria as are required for the post concerned. Consequently, the

petitioners submitted an application under the RTI Act, seeking disclosure of individual marks and cut off marks. The respondents, vide reply dated 07.01.2024, informed the petitioners that no records pertaining to the said recruitment process with regard to the said notification dated 16.01.2009, were available. Thereafter, the petitioners submitted a mass representation dated 19.04.2025, reiterating their request for disclosure of individual marks and cut off marks. The said representation was also rejected by the respondents vide their reply dated 06.05.2025 on the same ground, namely, non-availability of relevant data. It is the grievance of the petitioners that the respondents are deliberately withholding the information.

4. This Court has heard the arguments advanced by the Counsel for the petitioners as well as the respondents and has perused the materials available on record. It is evident from the record that the recruitment process was initiated in 2009 and the results were declared in 2021. However, the petitioners sought information only in the year 2024 and 2025. The respondents declined to furnish the said information on the ground that no records pertaining to the said recruitment process were available. It is apparent that the petitioners had approached the respondent authorities with substantial delay. Therefore, the respondents cannot be faulted for non-availability or

possible destruction of the record after such a prolonged period. Mere non-availability of records cannot, by itself, give rise to a presumption that the selection process was tainted or vitiated in any manner.

5. In light of the above, this Court finds no justifiable ground to interfere with the selection process.

6. Accordingly, the present writ petition is dismissed.

7. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)