

27.01.2026
Item No.11
Court No.11
(Susanta)

MAT 210 of 2025
With
I.A. No. CAN 1 of 2025

Subir Mondal
- Versus -
State of West Bengal & Ors.

Mr. Mahadeb Sarkar,
Mr. Bivash Chowdhury,
...for the Appellant.
Mr. Pinaki Dhole,
Mr. Avishek Prasad,
...for the State/Respondents.
Mr. Bhaskar Prasad Vaisya,
Mr. Pinaki Bhattacharyya,
... for the DPSC North 24-Parganas.

The present appeal has been preferred challenging the order dated 28th January, 2025 passed by the learned single Judge in a writ petition being W.P.A. 24123 of 2024. The said writ petition was preferred by Subir Mondal (in short Subir) stating, *inter alia*, that he participated in the recruitment process of the year 2009 for the appointment to the post of assistant teacher in the primary school under the North 24-Parganas District Primary School Council (in short, the said Council). He emerged to be successful in the written test and was called for interview in which he duly participated but his name was not included in the panel. Aggrieved thereby, he filed an application under the Right to Information Act, 2005 (hereinafter

referred to as the 2005 Act) on 27th July 2023 and thereafter on 31 July, 2024. In response thereto, it was intimated *vide* memo dated 2nd September, 2024 that he had obtained 26.28 marks and he found that candidates securing lesser marks than him had been empaneled and appointed.

By the order impugned, the writ petition was, however, dismissed observing, *inter alia*, that '*the selection process of 2009 was challenged in different writ petitions on several grounds, ultimately a Co-ordinate-Bench of this Court on April 09, 2024 had passed an order in WPA 3268 of 2015 and other similar writ petitions that the candidates of the said selection test who had filed writ petitions on or before March 31, 2024 would only be considered for the appointment*'. The Court refused to exercise discretion in favour of Subir since the writ petition had been filed much after the said cut-off date.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the order referred to in the order impugned was passed in respect of candidates under the Howrah District Primary School Council on consent and the same cannot be applied in respect of a candidate under the North 24-Parganas District Primary School Council.

He contends that had the application under the 2005 Act submitted by Subir on 27th July 2023 been

answered immediately, he could have approached the Court prior to the cut-off date and for the laches on the part of the State authorities, he cannot be made to suffer.

He further submits that admittedly candidates securing lesser marks than Subir have been given appointment and as such denial of appointment to Subir would be arbitrary and illegal. Such argument, as advanced, was glossed over by the learned single Judge.

Mr. Vaisya, learned advocate appearing for the said Council submits that the challenge against the cut-off date, as fixed in the case of *Kakali Mondal & Others versus The State of West Bengal & Others* being WPA 20966 of 2022, was urged in an appeal being MAT 1180 of 2024 but the said appeal was dismissed by a co-ordinate Bench of this Court on 26th November, 2024 and the Special Leave Petition (in short, SLP) preferred against the same was also dismissed by the Hon'ble Supreme Court. Let the orders, as placed, be kept on record.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears that the issue, as urged, in the present appeal is identical to the issue decided by a co-ordinate Bench of this Court in the case of *Soumini*

Saha @ Soumini Saha Maity & Anr. versus The State of West Bengal & Others being MAT 1180 of 2024. In the said order the Court refused to interfere with the restriction of appointment only among the candidates who filed writ petitions until 24th April, 2024 and the said order has also been affirmed by the Hon'ble Supreme Court by dismissing the SLP.

In view thereof, no interference is called for in the present appeal and the same along with the connected application is dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty, J.)