

S/L 14
25.03.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 19598 of 2025

Rajib Mondal
Vs.
State of West Bengal & Ors.

Mr. S. Banerjee
Mr. P. Pathak

...for the Petitioner.

Mr. Susanta Pal
Ms. Paromita Malakar (Dutta)

...for the State.

1. The petitioner participated for recruitment in the post of home guard initiated by the authority in the year 2017. He was selected and his name was published in the merit list on March 28, 2018. He was called for interview on December 11, 2018. He, however, could not be issued letter of appointment as at the time of document verification it was detected that he was implicated in a criminal case which was sub-judice.

2. The petitioner was exonerated from the criminal case being G.R. Case No.738 of 2012 on November 28, 2023. In the meantime, the panel which was prepared for providing appointment to the selected candidates expired in the year 2018.

3. Learned advocate for the petitioner submits that the petitioner was no way responsible for the delay in conclusion of the criminal proceeding. As the petitioner has been honourably exonerated from the criminal proceeding, accordingly, he ought to be given an opportunity to be appointed.

4. In support of his submission, learned advocate for the petitioner relies on the judgment delivered by this Court in the matter of ***Utpal Roy vs. State of West Bengal & Ors.*** reported in **2023 SCC OnLine Cal 3790** wherein the Court was of the opinion that laches on the part of the respondent authority cannot be a ground to deny appointment to the petitioner.

5. Prayer has been made to direct the respondent authorities to issue appointment letter in his favour.

6. Prayer of the petitioner is opposed by the learned advocate representing the State respondents.

7. It has been submitted that at the time of document verification of the petitioner, it was detected that the petitioner was involved in connection with Uluberia PS Case No.270 of 2012 dated April 3, 2012 under Sections 341/323/379/354/364/34 I.P.C. A charge sheet has been filed against the petitioner vide Uluberia PS Charge Sheet No.730 of 2012 dated July 31, 2012 under Sections 341/323/379/354/364/34 I.P.C. Since the criminal case was pending against the petitioner when the final list was published, accordingly, the appointment letter could not be issued in his favour.

8. As per the recruitment notification, the merit list along with the waiting list remains valid for a period of one year from the date of its publication.

9. In the instant case, had the petitioner been able to obtain an order of acquittal within the validity of the

merit list, then the case of the petitioner could have been directed to be considered.

10. Here, the criminal case against the petitioner stood concluded only in the year 2023. The merit list had expired long prior thereto in the year 2018.

11. The facts of the case in the matter of Utpal Roy (supra) do not match with the facts and circumstances of the instant case. In the instant case, there is no laches on the part of the respondent authorities. The petitioner could not be considered for appointment due to the pendency of a criminal case pending against him. Accordingly, the ratio laid down in Utpal Roy (supra) cannot be made applicable in the facts and circumstances of this case.

12. Hence, the prayer of the petitioner for being considered for appointment cannot be accepted.

13. The writ petition fails and is hereby dismissed.

14. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

(Amrita Sinha, J.)