

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Rai Chattopadhyay

WPA 19469 of 2019

Paramita Pramanik & Ors.

Vs.

The State of West Bengal & Ors.

CAN 1/2020, CAN 2/2020, CAN 3/2020, CAN 4/2020, CAN 5/2021, CAN 6/2021, CAN 7/2021, CAN 8/2021, CAN 9/2021, CAN 10/2021, CAN 11/2021, CAN 12/2021, CAN 13/2021, CAN 14/2021, CAN 15/2021, CAN 16/2022, CAN 17/2022, CAN 18/2022, CAN 19/2022, CAN 20/2024, CAN 21/2024, CAN 23/2025

With

WPA 22367 of 2019

Ishita Ghosh Pal & Ors.

Vs.

The State of West Bengal & Ors.

CAN 1/2020, CAN 2/2020, CAN 3/2020, CAN 4/2020, CAN 5/2020, CAN 6/2020, CAN 7/2021, CAN 8/2021, CAN 9/2021, CAN 10/2021, CAN 11/2021, CAN 12/2021, CAN 13/2021, CAN 14/2021, CAN 15/2021, CAN 16/2021, CAN 17/2021, CAN 18/2021, CAN 19/2021, CAN 20/2022, CAN 21/2022, CAN 22/2022, CAN 23/2022, CAN 24/2022, CAN 25/2022, CAN 26/2022, CAN 27/2022, CAN 28/2022, CAN 29/2022, CAN 30/2022, CAN 31/2022, CAN 32/2022, CAN 33/2022, CAN 34/2022, CAN 35/2022, CAN 36/2023, CAN 37/2023, CAN 38/2023, CAN 39/2023, CAN 40/2023, CAN 41/2023, CAN 42/2023, CAN 43/2023, CAN 44/2023, CAN 45/2023, CAN 46/2023, CAN 47/2024, CAN 48/2024, CAN 49/2024, CAN 50/2024, CAN 51/2024, CAN 52/2024, CAN 53/2024, CAN 54/2024, CAN 55/2024, CAN 56/2024, CAN 57/2025, CAN 58/2025

For the Petitioners

: Mr. Kamalesh Bhattacharyya
: Mr. Goutam Dey
: Mr. Ms. Ankita Ghosh
: Ms. Akshita Nath
: Mr. Abhijit Mondal

For the WBCSSC

: Mr. Dr. Santanu Kr. Patra
: Ms. Supriya Debey

For the State

: Mr. Supriyo Chattopadhyay
: Ms. Iti Dutta

Judgment on

: 18.03.2026

Rai Chattopadhyay, J. :-

1. The two writ petitions No. WPA 22367(w) of 2019 [Ishita Ghosh Pal & Others vs State of West Bengal & Others] and WPA 19469(w) of 2019 [Paramita Pramanick & Others vs State of West Bengal & Others], deal with similar factual and legal issues. Hence, both have been heard together and are being disposed of vide this common judgment.
2. The writ petitioners have sought for intervention and order of this Court of equity, to redress their grievance of alleged discriminatory and illegal treatment meted out to them by the respondent School Service Commission, by not appointing them in the posts of assistant teachers, which according to the petitioners remained vacant, even after appointment of qualified candidates in the 12th Regional Level Selection Test [in short “12th RLST”] in 2011, in spite of their having qualified in the Teachers’ Eligibility Test [in short “TET”], 2011.
3. Let it be mentioned at the outset that the respondent No.3/West Bengal Central School Service Commission [in short “SSC”], represented by Dr. Santanu Kr. Patra, learned advocate, has raised strong objection as to the grievance of the writ petitioners with regard to appointment procedure, in the posts of primary school teachers. According to the said respondent, since the process, challenged in the instant writ petitions, is not related with the primary school teachers, the entire writ petitions are therefore baseless and liable to be set aside. The petitioners have mentioned in paragraph (5) of their affidavit dated July 10, 2024, that the same has been a typographical mistake in the writ petitions, corrected earlier vide the Court’s

order. Such statement is duly corroborated by the record, which shows that vide liberty granted by the Court on June 9, 2023, prayer in the writ petitions were modified to include that the petitioners challenge as to the process of appointment of the assistant teachers in upper primary level of the schools, instead of primary level. Hence any challenge as to the maintainability of the writ petitions for the reason as agitated by the respondent as stated above, should rest here, being unsubstantiated.

4. Also, there is other point raised by the said respondent challenging the maintainability of the instant cases, on the ground of delay in filing the instant writ petitions. The same will be discussed later on in this judgment.
5. The relevant facts leading to filing of these writ petitions and necessary to be discussed may be stated in a manner, that, admittedly the writ petitioners are qualified candidates in TET 2011. The result was published on December 1, 2012. Certificates were issued to the writ petitioners on April 1, 2015. Those remained valid till March 31, 2018. However allegedly, since after publication of results in TET 2011, the respondent SSC has not taken any step to proceed thereafter for appointing the petitioners being the qualifiers in TET 2011. Instead, what was done allegedly illegally was adjustment of vacant posts of 2011, with the vacancy of 2015 and conducting fresh TET examination in 2015, without appointing the present writ petitioners in the vacancies declared earlier, though they have qualified in the TET 2011.
6. In this factual background, the petitioners have made prayers in these writ petitions that necessary order be issued to the

respondent SSC to appoint the petitioners in the posts of assistant teachers in upper primary level in schools, against the vacancies notified in 2011 selection process. Also, to disclose the merit list of participating candidates of 2011 selection process.

7. Mr. Kamallesh Bhattacharyya, learned advocate for the writ petitioners has submitted inter alia that in 2011 the entire process was divided into the TET and interview. The selection of candidate was dependent onto the cumulative result of those two stages only. He says that in 2011, there was no provision for any selection test. That, TET examination was held against the total marks of '90'. That, in spite of the petitioners having qualified in TET, neither they were called for any interview nor have been appointed as against the total vacant posts declared, that is, 14088. Later on, vacancy notification has again been published in the year 2015 for TET examination, for a total marks of '150'. According to the petitioners, for this reason the candidates in 2015 have got substantial advantage to score more marks than the candidates in 2011, due to the alleged abrupt change in the total marks. Mr. Bhattacharyya has mentioned this as one of the glaring irrationality and arbitrariness exercised in the selection process.
8. According to the petitioners, without setting any median, considering candidature of the 2011 TET qualified candidates and those who have qualified in 2015 in a combined manner, is the other unreasonable and discriminatory step taken by the respondent SSC in the process of selection. It is submitted that the respondent could not have discriminated the petitioners due to the reason of their being untrained candidates, since as per the vacancy notification the petitioners were not required to

be compulsorily having training qualification in 2011. According to the petitioners this is devoid of *intelligible differentia* and has unreasonably and illegally created a class within a class, which is not permissible under the law. It has been submitted that since from 2015 the bench-mark for appointment is the marks obtained in TET along with the academic score, the petitioners could not have been considered in a different way. That the same has resulted into violation of their rights for being considered for the post.

- 9.** Mr. Bhattacharyya has submitted further that 2015 examinees who have not been granted TET certificates, could not have been considered for selection test in 2016, in violation of the Rule for compulsory acquisition of the TET certificate, to be eligible for the selection test.
- 10.** The selection process has further been challenged due to the alleged violation of Rule 8 of the Rules of 2015 [The West Bengal School Service Commission (State Level Selection Test for Appointment to the Posts of Teachers) Rules, 2015, vide notification dated March 3, 2015]. The petitioners have stated that as per Rule 8, of the said notification information as to the vacancy should at the latest, reach the SSC 15 days before the date of publication of results or before publication of the interview list as the case may be. According to the petitioners, 5108 vacancies which were created along with setting up of 1703 new schools vide notification dated February 15, 2019, should have been included in the total vacancy available in the process, as those were created much before publication of the interview list on August 24, 2019. That, it is due to the inaction of the Director of School Education in sending the information of the new vacancies created to the SSC, within the time as

stipulated in the Rules, those could not have been incorporated with the total vacancy figure. According to the petitioners, this is an inherent lack of legality and due compliance with the Rules, in the process. According to the petitioners the entire process lacks transparency, in so far as the picked and chosen untrained candidates have been appointed, overriding the qualified trained candidates, that too without any disclosure of the number of vacancies available for the untrained candidates, if any at all or the list of eligible untrained candidates. The petitioners say that initially the untrained candidates were not called for interview though both the trained and untrained candidates were eligible for appointment. That the petitioner's position in the list of untrained candidates has never been published by the respondent SSC.

- 11.** It has been urged that for all the reasons as above, the petitioners, who have earlier qualified in the TET examination and been allegedly deprived of their lawful rights, may be directed to be appointed against the vacant posts.
- 12.** The contentions and prayers of the writ petitioners have been strongly objected to by Dr. Santanu Kr. Patra learned advocate on behalf of the respondent/SSC. The preliminary point of objection as to the maintainability of the writ petition, other than that discussed earlier, is with regard to the belated filing of the writ petition. It has been submitted that inordinate delay has taken place in filing the instant writ petitions, from the date of cause of action as alleged. It has been submitted further that these belated writ petitions are also not maintainable in view of the fact that validity of the panel has also expired before filing of the writ petitions, rendering those as infructuous. Dr. Patra has submitted that the position of law is now well settled

that challenge as to the process, panel and selection is not maintainable after expiry of the validity period of the panel. In this regard to buttress his contentions, he has relied on the judgments of the Supreme Court in ***Girdhar Kumar Dadhich & Another vs State of Rajasthan & Others reported at (2009) 2 SCC 706*** and ***State of UP and Others vs Harish Chandra & Others reported at (2006) 9 SCC 309***. He has also referred to the Single Bench judgment of this Court in ***Sandip Ghosh & Others vs the State of West Bengal and Others [WPA 3689 of 2025, dated March 04, 2025]*** in this regard.

- 13.** The further contention of the respondent is that in view of the prayer of the writ petitions its scope is only limited to consideration of the candidature of the petitioners for being appointed as assistant teachers at upper primary level, on their claim of being TET qualified candidates. It is submitted that subsequently by filing supplementary affidavits the petitioners have made endeavor to stretch and enlarge the scope of the writ petitions, thereby intending to challenge the selection process itself. It is submitted that the writ petitioners have never asserted to have participated in the selection processes, either in 12th RLST, 2011 or 1st SLST, 2016.
- 14.** Dr. Patra has submitted that TET is only an eligibility test and the successful candidate is eligible to take part in the recruitment process for appointment as an assistant teacher in the upper primary level. That, it is only misconceived that a TET qualified person would automatically be eligible for being appointed as an assistant teacher. That, he may participate in the recruitment process, compete and qualify in the selection tests, to claim his candidature for being considered for

appointment and not before. Dr. Patra has submitted that since the petitioners have not participated in the recruitment process, their prayer is only misconceived and baseless. He says that TET is not the qualification for appointment but for the candidate to appear in the selection process in which he has to compete and succeed. According to the said respondent the petitioners have no cause of action in the instant writ petitions.

- 15.** The respondent's further contention is that grievance of a large number of applicants, who intend to club themselves in those writ petitions by way of being added as parties (through their several applications), cannot be considered here along with those writ petitioners, as prayer of each applicant should have to be considered individually and as per the category of each candidate. Also, that the petitioners' supplementary affidavit dated November 11, 2024, has an effect of enlarging the scope of the writ petitions, in which the petitioners intend to rely on the Rules of 2015 and the vacancy notification dated September 23, 2016, which were never relied on or referred to in the writ petitions at the first instance. For the said reason the petitioners' contentions relying upon the same cannot be sustained in the eye of law, Dr. Patra has submitted. According to the said respondent, the writ petitions are meritless and required to be dismissed.
- 16.** The petitioners have prayed for the relief in the instant writ petitions inter alia that the respondent/SSC should consider their candidature for the posts of upper primary school teacher against the vacancies notified for 2011 selection process and furnish the merit list of the participating candidates of 2011 selection process. The petitioners have subsequently filed supplementary affidavits also. Initially though they have not

challenged the validity of the recruitment process but sought for being appointed through the same, in the said supplementary affidavits filed subsequently, the petitioners have pleaded differently, to challenge the legality and validity of the recruitment processes undertaken by the respondent/SSC, in 12th RLST and 1st SLST in 2016 as well.

17. A citizen can file a writ petition under Article 226 of the Constitution of India to enforce fundamental rights, statutory rights, or legal rights infringed by illegal or wrongful actions, provided there is a clear legal right, part of the cause of action arises within the High Court's territorial jurisdiction, and the petitioner demonstrates unblameworthy conduct without laches or undue delay. The petitioner to have a fundamental, constitutional, statutory, or legal right and alleged infringement thereof by the State, is the foundation upon which this Court exercises its plenary and extraordinary power to issue writs. The Court's power is discretionary in nature which may also not be exercised in an appropriate case which suffers from laches, delay, acquiescence, waiver, or unclean hands. The Larger Bench of Supreme Court in the case of ***State of Orissa versus Ram Chandra Dev at 1964 AIR (SC) 685*** has held that the existence of a right is the foundation of a petition under Article 226 of the Constitution. The issuance of writs or orders under Article 226 of the Constitution of India requires the petitioner to establish a legal right, the infringement of which they seek to remedy.

18. Therefore, in the light of the said settled principles of law, it is to be seen if the writ petitioners can maintain their cases before this Court to secure the relief as prayed for by them. Admittedly the writ petitioners are TET qualifiers in the year 2011. However, they have not pleaded or produced any material to

show that they have appeared or qualified in the selection procedure in 12th RLST or the 1st SLST. Mere qualification in the 2011 TET does not by itself create a right to appointment as an upper primary teacher in West Bengal. The claim is not sustainable if the candidate cannot show participation in the relevant recruitment process (such as RLST 2011 or SLST 2016) or cannot produce the required documents. Under the West Bengal School Service Commission Rules, for appointment of upper primary teachers, selection is made through the State Level Selection Test (SLST) and not merely on the basis of TET qualification. Appointment is made through selection by the Commission via SLST. Merit is determined by TET marks along with academic/professional qualifications, and personality test marks. Therefore, passing TET only makes a candidate eligible to participate in the selection process, but it does not itself create an enforceable right to appointment. If a candidate cannot prove that he/she applied for or appeared in the relevant recruitment procedure (RLST/SLST), then neither the Commission cannot evaluate or place the candidate in the merit list, nor can the candidate claim a place in the panel or appointment.

- 19.** Recruitment Rules require candidates to produce original documents and testimonials during verification and counselling stages. These documents typically include TET certificate, admit card / proof of participation in the recruitment exam and academic and professional certificates. If a candidate cannot produce documentary proof of participation, the Commission normally cannot verify eligibility or inclusion in the selection process.
- 20.** If a candidate only passed TET 2011, but cannot show that he/she appeared in RLST 2011 or SLST 2016, and cannot

produce supporting documents (as it is, in the instant writ petitions), then legally the candidate cannot establish that he/she participated in the selection process. Without such proof, no enforceable claim for appointment arises. Eligibility alone does not create a right to appointment; participation and selection through the prescribed recruitment process must be proved. TET only confers eligibility, not a right to appointment. Appointment must be through the statutory recruitment process conducted by the SSC (that is SLST/RLST). Therefore, when candidates approach the Court only with a TET qualification, but without proof of participation in the recruitment process, their prayer for appointment becomes unsubstantiated and unsustainable. Eligibility as per the TET results is for participating in the selection process and not for selection for the post *ipso facto*. Right of a candidate arises only if he participates in the recruitment process and is placed in the panel or merit list.

- 21.** The burden of proof lies on the writ petitioners as regards due participation in the selection process. In these writ petitions the petitioners have not been able to show any material in support of their participation in the selection process, as for example any admit card / hall ticket, participation in written test or personality test or presence in the merit list or panel. Hence, the petitioners' prayer for appointment cannot be enforced for the said reason. The burden of proof lies on the claimant. The law is well settled that mere inclusion in a merit list does not create a vested, indefeasible and enforceable legal right to appointment. The present petitioners are seen to stand on a weaker footing than the standard, who have not even been able to prove their appearance or participation in the selection process. Hence, it is found that the present petitioners are

unsuccessful to prove violation of any of their statutory, legal or constitutional rights to espouse jurisdiction of this Court under Article 226 of the Constitution of India.

- 22.** The respondent/SSC has alleged non-maintainability of these writ petitions, due to inordinate and unexplained delay in filing thereof, which appears to be justified. The writ petitioners are TET qualifiers in 2011 and seek appointment in the vacant posts as notified in 2011 itself. However, they have not been able to explain as to what good and sufficient cause might have prevented them to file the writ petitions within a reasonable time period and made them to wait until 2019, when they ultimately filed the instant cases. It is the settled law that unexplained and inordinate delay in filing the writ petition only lead to dismissal thereof and a Court of equity refuses to entertain the tardy and indolent litigant, in case of public policies. The present writ petition deserves to be dismissed on the ground of inordinate and unexplained delay. The cause of action, as pleaded by the petitioners themselves, arose in the year 2011; however, the petitioners have approached this Court only in the year 2019, after an unexplained lapse of nearly eight years. It is well-settled that the extraordinary jurisdiction of this Court under Article 226 of the Constitution is discretionary and equitable in nature, and a party who sleeps over its rights cannot seek indulgence of the Court after such prolonged delay. The petitioners have failed to furnish any satisfactory explanation for this belated approach. Entertaining stale claims would defeat the principle of finality in administrative actions and would seriously prejudice the rights that may have accrued in the interregnum. In the absence of any compelling or exceptional circumstances justifying the delay, this Court is not inclined to exercise its writ jurisdiction in favour of the petitioners.

- 23.** Once the select panel in question has been duly operated and exhausted, no surviving right of appointment can be claimed by the petitioners. It is a settled position in service jurisprudence that inclusion in a select list or panel does not confer an indefeasible right to appointment, and the panel remains operative only for the limited purpose and duration for which it is prepared. Upon exhaustion of the panel through appointments made therefrom, the panel ceases to have any legal efficacy. In the present case, the material on record indicates that the panel has already been fully operated and exhausted, and therefore the petitioners cannot, at this belated stage, seek to espouse any alleged right of appointment arising therefrom. Even assuming that the petitioners had any expectation of appointment at the relevant time, such expectation cannot survive once the panel has spent itself and ceased to exist in the eye of law. Consequently, no enforceable right can now be asserted by the petitioners on the basis of the said panel. In the judgments referred to by Dr. Patra learned counsel of the respondent/SSC of **Girdhar Kumar Dadhich (supra)** and **Harish Chandra (supra)**, this principle has been enunciated by the Court, from which this Court draws support, in holding as above.
- 24.** In order to properly appreciate the grievance raised by the petitioners, the Court is required to examine the question of vacancy determination, operation of the select panel, and the manner in which candidates participating in the recruitment process were treated under the governing statutory framework. Recruitment to the post of Assistant Teacher at the upper primary level is regulated by the provisions of the West Bengal School Service Commission Rules, which mandate that the appointing authority and the Director of School Education determine the number of available vacancies and communicate

the same to the Commission within the time prescribed under the Rules before the commencement of the selection process. The vacancy figure so communicated constitutes the basis upon which the Commission undertakes the recruitment exercise, prepares the merit list and subsequently forms the panel of selected candidates. The operation of such panel is necessarily confined to the vacancies notified for that recruitment cycle and the panel is required to be operated strictly in accordance with the order of merit determined on the basis of the criteria prescribed in the Rules, which ordinarily include marks obtained in the eligibility test, academic and professional qualifications, and the marks awarded in the personality test or interview, wherever applicable. It is also a settled principle of service jurisprudence that a select panel cannot ordinarily be utilised to fill vacancies which arise subsequent to the completion of the recruitment process or which were not part of the notified vacancy position, unless the statutory rules expressly permit such adjustment. Any deviation from the notified vacancy structure or any selective operation of the panel contrary to the order of merit would offend the principles of transparency and equality embodied in Article 14 of the Constitution. At the same time, the burden lies upon the petitioners to demonstrate, on the basis of cogent material, that the vacancy position was incorrectly determined, that the panel was operated in a manner inconsistent with the statutory scheme, or that candidates similarly situated to the petitioners were treated differently so as to confer an undue advantage upon them. In the present case, apart from making general allegations regarding non-inclusion of certain vacancies and irregular operation of the panel, the petitioners have not been able to produce reliable documentary material to establish that the vacancies relied upon by them formed part of the

vacancy position communicated to the Commission for the relevant recruitment process, nor have they demonstrated that any candidate placed lower in merit or otherwise similarly situated was appointed in preference to them in violation of the prescribed rules. In the absence of such material demonstrating arbitrariness in vacancy calculation, irregular operation of the panel, or discriminatory treatment among candidates, the Court is unable to conclude that the recruitment process suffered from illegality or arbitrariness, warranting interference in exercise of the Court's writ jurisdiction, in the context of the grievance raised by the writ petitioners.

- 25.** The contention of the petitioners regarding non-inclusion of certain vacancies requires examination in the context of Rule 8 of the West Bengal School Service Commission (State Level Selection Test for Appointment to the Posts of Teachers) Rules, 2015, which governs the manner and timeline for communication of vacancies to the Commission. Rule 8 contemplates that the concerned authorities, including the District Inspector of Schools and the Director of School Education, are required to ascertain and communicate the vacancy position to the Commission within the time stipulated under the Rules, so that the Commission may determine the total number of posts available for the recruitment cycle before preparation of the interview list or publication of the results, as the case may be. The object of the Rule is to ensure certainty, transparency and administrative finality in the recruitment process by fixing the vacancy position at a defined stage of the selection procedure. Once the vacancy position has been communicated in accordance with the Rules and the selection process proceeds on that basis, the Commission is ordinarily required to confine the preparation and operation of the panel

to the vacancies so notified. Vacancies arising subsequently, or those not communicated to the Commission within the time frame contemplated by Rule 8 of 2015 Rules, cannot automatically be incorporated into the ongoing recruitment process unless the governing rules or a specific administrative decision authorise such inclusion. While it is true that failure on the part of the competent authority to timely communicate vacancies may result in certain posts remaining unfilled during a particular recruitment cycle, such administrative lapse by itself does not confer an enforceable right upon candidates to insist that those vacancies be retrospectively added to the notified vacancy position or be filled from the panel prepared for that recruitment. The petitioners, therefore, must establish not merely the existence of additional vacancies, but also that such vacancies were required under Rule 8 to be communicated to the Commission within the prescribed time and were arbitrarily excluded despite due compliance with the statutory procedure. In the absence of material demonstrating such statutory non-compliance or deliberate exclusion, the Court cannot conclude that the recruitment process stood vitiated on the ground of violation of Rule 8 of the of the West Bengal School Service Commission (State Level Selection Test for Appointment to the Posts of Teachers) Rules, 2015.

- 26.** The petitioners' case as made out that the subsequent recruitment cycles give rise to a continuing cause of action, also does not merit acceptance. The doctrine of continuing wrong or continuing cause of action applies only where the impugned act gives rise to a recurring or subsisting injury capable of being redressed on each successive occasion. In matters of public recruitment, however, each selection process constitutes a distinct and self-contained exercise governed by the vacancy position, rules and eligibility criteria applicable to

that particular recruitment cycle. Once the recruitment process relating to a particular notification has been completed, the panel has been operated and the selection cycle has come to an end, any grievance pertaining thereto must be raised within a reasonable time; it cannot be revived merely because a fresh recruitment process is undertaken subsequently. The later recruitment cycle cannot be treated as a continuation of the earlier selection, nor can it revive a stale claim arising out of an earlier process which has already attained finality. In the present case, the recruitment undertaken subsequently was conducted under a separate notification and in accordance with the applicable statutory rules governing that cycle, and therefore it cannot furnish a fresh or recurring cause of action in respect of the earlier recruitment. Furthermore, the petitioners have not been able to demonstrate that the later recruitment process was conducted in a manner that singled them out for hostile or discriminatory treatment. The rules governing the subsequent selection were applied uniformly to all eligible candidates participating in that recruitment cycle. In the absence of any material indicating differential treatment between similarly situated candidates or any deviation from the prescribed statutory procedure, the allegation of arbitrariness or violation of the equality principle embodied in Article 14 of the Constitution remains unsubstantiated. Consequently, the claim sought to be projected as a continuing cause of action cannot be sustained in law.

- 27.** For the reasons as discussed above no merit is found in the instant writ petitions and those are hence, liable to be dismissed.
- 28.** Therefore, the instant writ petitions No. WPA 22367 of 2019 (Ishita Ghosh Pal & Ors. versus State of West Bengal & Ors.)

and No. WPA 19469 of 2019 (Paramita Pramanik & Ors. Versus State of West Bengal & Ors.) are dismissed, along with all applications pending therewith.

- 29.** Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)