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**(2009) 01 CAL CK 0027**  
**In the Calcutta High Court**  
**Case No : Writ Petition No. 31467 (W) of 2008**

Utpal Roy and Others

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

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**Date of Decision :** 14-01-2009

**Acts Referred:**

**Citation :** (2009) 01 CAL CK 0027

**Hon'ble Judges :** S.P. Talukdar, J

**Bench :** Single Bench

**Advocate :** Syed Shamsul Arefin, for the Appellant; Ekramul Bari for the School Authority B.R. Patranabish and S. Sengupta Khandekar Moazzem Hossain for Respondent No. 6., for the Respondent

**Final Decision :** Dismissed

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## Judgement

S.P. Talukdar, J.

The Judgment of the Court was as follows:

1. The present case relates to the selection for Group-D staff in Bhutura High School, Bankura.
2. It appears from the materials available on record that an advertisement was made in respect of recruitment to the said post. All the three petitioners appeared for interview. It is claimed that petitioner No. 3 was the first in the select panel as prepared by the Headmaster of the school. It is then claimed that under political pressure the Managing Committee approved the said panel but the selection process was cancelled since it lost its force after expiry of statutory period. It is further alleged that question of revival of the said panel after changing the position of the petitioner No. 3 in it cannot arise. There is further allegation that the son of one of the members of the Managing Committee was subsequently placed in the first position in place of present petitioner No. 3 and the said revised panel was approved. Challenging the entire process, the petitioners approached this Court for redressal of their grievances. A

representation was submitted in this regard, being representation dated 10th December, 2008, before such an illegally prepared panel is approved. The District Inspector of Schools has not taken any action whatsoever on the basis of the same. The petitioners, thus, have sought for a direction upon the respondent minority for cancelling such illegally prepared panel in respect of Group-D staff.

3. Heard learned Counsel for the petitioners who, referring to clause 9(7)(a), submits that it is for the Selection Committee to prepare a panel within fifteen days from the date of interview and submit the same to the appointing authority. The appointing authority is also required to examine the panel within fifteen days thereof and along with all relevant papers, submit the same to the District Inspector of Schools for his approval.

4. Grievance of the writ petitioners as ventilated by learned Counsel, thus, relates to alleged non-compliance of such provision and the illegality in revising initially prepared panel.

5. Mr. Bari appearing as learned Counsel for the respondent/School Authority at the very outset submits that the writ application suffers from inherent hollowness and latent weakness.

6. Inviting attention of the Court to the allegations in paragraphs 4 and 5 of the application, it is submitted by Mr. Bari that there cannot be any basis for such wild allegations and as such, the petition does not deserve to be entertained. It is further submitted that the writ petitioners having participated in the selection process now cannot be permitted to turn around and assail the same being unsuccessful.

7. Learned Counsel for private respondent No. 6 submits that the position of the respondent No. 6 is at the top of the panel.

8. On behalf of the State-respondent, a relevant correspondence dated 19th December, 2008 is produced. This, however, relates to prior permission but admittedly, in the present case, the authority concerned obtained such prior permission and as such, the said correspondence does not seem to have any relevance.

9. After careful consideration of the materials available on record, I fail to appreciate the grievances as ventilated on behalf of the writ petitioners. Mr. Bari quite rightly submits that the allegations have no basis nor there is any justification to entertain the same. The allegations as made in the application are far too vague even to deserve any serious consideration.

10. Deriving inspiration from the decision in the case of Dhananjay Malik and Others Vs. State of Uttaranchal and Others, , it is submitted by Mr. Bari that the writ petitioners being unsuccessful cannot now raise dispute regarding the selection process.

11. After due consideration of all relevant facts and materials, I find it difficult, if

not impossible, to appreciate the grievances as raised. There is absolutely no material worth mentioning so as to justify any manner of interference, as sought for, by the petitioners in the present application.

12. The present application, being W.P. No. 31467(W) of 2008, stands, accordingly, dismissed.

13. There will, however, be no order as to costs.

14. Urgent xerox certified copy of this order, if applied for, be given to the parties expeditiously.