

21-06.2019
Court No.3
Sh/21.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 136 of 2019

Tushar Shil. . . . Petitioner.
Vs.
The State of W.B. & Ors. . . . Respondents.

Mr. Jagriti Mishra.
. . . For the Petitioner.
Mr. Hiran Barman
Mrs. B. Bose.
. . . For the State.

Affidavit of service filed in Court today be kept on record.

It is the specific case of the writ petitioner that the respondent nos.4 and 6 initiated a process for recruitment in several posts at Gram Panchayat level & Panchayat Samiti level under Cooch Behar district including the post of Nirman Sahayak. The petitioner applied for the post of Nirman Sahayak under the OBC Exempted category and participated in the written examination. After the petitioner became successful in the written examination, he was called for the viva-voce test and was declared successful in the said test also. Thereafter the results were published and it appears from the final result in connection with the said examination, which is annexed at page 57 of the instant writ petition, that the petitioner was selected for the post of Nirman Sahayak under the OBC Exempted category.

It has been submitted by the learned advocate appearing on behalf of the petitioner that though the final selection was made sometimes in December 20, 2017 but the petitioner is yet to be appointed in the said post.

The petitioner further alleges that under the same selection process there were vacancies in other posts as well which were filled up pursuant to the orders passed by this Hon'ble Court from time to time. The petitioner alleges that though the petitioner is similarly situated as that of the other selected candidates but the petitioner is yet to get appointment for the post of Nirman Sahayak in spite of being selected for the said post.

The learned advocate appearing on behalf of the State however, did not dispute the submission of the learned advocate for the petitioner that pursuant to the orders passed by this Hon'ble Court the selected candidates for some of the posts other than the Nirman Sahayak under the same selection process have already been appointed. Since the selected candidates for several other posts have been filled up, the writ petitioner cannot be discriminated against as he stands on the same footing with that of the other selected candidates under the same selection process.

Under such circumstances, I dispose of this writ petition by directing the District Magistrate and Executive Officer, Cooch Behar Zilla Parishad being the respondent nos.4 and 6 to take a decision in the matter of appointment of the petitioner for the post of Nirman Sahayak under the OBC Exempted category for which

the petitioner was declared successful. Such decision is to be taken by the said respondents positively within a period of four weeks from the date of communication of this order. In case the said respondent authority is of the opinion that the panel has not yet lapsed, the respondent authority shall take steps to issue provisional appointment in favour of the writ petitioner immediately thereafter and without any further delay.

The writ petition is disposed of without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties expeditiously on compliance of all requisite formalities.

(HIRANMAY BHATTACHARYYA, J.)