

22.12.2020
DL-17
ssd

(Via Video Conference)
WPST 194 of 2019

Birhaspati Mahato and Ors.
Vs.
The State of West Bengal and ors.

Mr. Bhagwat Chaudhuri

...for the petitioners.

Mr. Tapan Kumar Mukherjee
Ms. Tuli Sinha

...for the State.

A notice dated January 7, 2016 was issued by the Home Department, Police Establishment Branch, Government of West Bengal for filling up 673 vacant posts of junior constable (Paschim Medinipore-81, Jhargram Police District-156, Bankura-137 and Purulia-299) out of 5000 posts which were created earlier. The notification mentioned that the posts may be filled up on observance of extent recruitment rules.

The petitioners participated in the selection process. The petitioners were unsuccessful. They approached the West Bengal Administrative Tribunal by filing OA-820 of 2017 challenging the selection process. Their contention there was and also before us is, that the number of vacancies indicated, under category OBC-B is more than 7 per cent which was the then Government policy. The contention is that had the figure been correctly fixed, then the petitioners might have been successful and might have got appointments.

The tribunal considered the petitioners' case and held that the vacancies in OBC-B category were published in the notification dated January 7, 2016 and the applicants were aware of the same. After being unsuccessful the applicants had challenged the

recruitment process. This was impermissible. On that ground, the tribunal dismissed the application.

We have heard learned counsel for the petitioners and learned Additional Government Pleader for the State. We agree with the tribunal. The petitioners were at all material times aware of the vacancies indicated under category OBC-B. With open eyes the petitioners participated in the selection process and having been unsuccessful, they are now trying to assail the entire process. They took a chance. Having failed, now they have taken recourse to legal proceedings to upset the entire recruitment process. This ought not to be allowed.

We do not find any illegality, infirmity or procedural impropriety in the tribunal's order. The order cannot be said to be without jurisdiction. In the result, WPST 194 of 2019 is dismissed.

There will be no order as to costs.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)