

23.12.2020

Ct. No. 24

Item No. 51

pk.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA No. 10763 of 2020

Deepshikha Dey

-vs-

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharjee,
Mr. Raja Bhattacharjee for the petitioner

Mr. Raja Saha,
Mr. Amit Kr. Ghosh for the State

The petitioner participated in the recruitment process initiated by the District Judge, Uttar Dinajpur. The petitioner's name appeared in the first position of the panel for wait-listed candidates in the general category.

The specific case of the petitioner is that the first candidate, who was selected for appointment i.e. (1) Prabin Roy Karmakar has submitted his resignation and the said resignation has been accepted by the District Judge.

According to the petitioner there is a provision in the recruitment rules for offering appointment to the wait-listed candidates if any of the selected candidates are found unable to continue with service on the ground of voluntary resignation.

The petitioner submits that as the first candidate in the panel has resigned voluntarily, the case of the

petitioner is liable to be considered in accordance with the recruitment policy.

The petitioner by a representation dated 16th October 2020 approached the District Judge, Uttar Dinajpur praying for consideration of her case for recruitment. The petitioner thereafter gave a reminder by way of e. mail on 17th November 2020. The petitioner alleges none of the representations have been considered by the authority till date.

The learned advocate for the petitioner draws the attention of the court to clause (j) of the merit list of the candidates, who have been selected for appointment wherein it has been mentioned that the panel shall remain valid for one year from the date of its publication or till all the vacancies as notified in the Employment Notification dated 25th January 2019 are filled up by the candidates of the respective panels, whichever is earlier or next recruitment.

The learned advocate appearing on behalf of the State respondent submits that the validity period of the panel is one year. In the event, the panel has lost its force due to passage of time then no relief can be granted to the petitioner.

Be that as it may, as it appears that the representations made by the petitioner are pending consideration at the end of the District Judge, Uttar Dinajpur and there is a specific provision in the

recruitment rules for consideration of the wait-listed candidates for providing appointment in case if a selected candidate voluntarily resigns from the post accordingly, the instant writ petition is disposed of by directing the respondent no. 3 being the District Judge, Uttar Dinajpur to consider the representations made by the petitioner, strictly in accordance with the recruitment rules, within a period of four weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

WPA No. 10763 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)