

DL. August 23,
721 2021

Through Video Conference

W.P.C.T. 6 of 2021

Shri Rajesh Kumar

Vs.

Union of India & ors.

Mr. Prabir Roy Chowdhury,
Mr. Phatick Chandra Das,
...for the petitioner.

Ms. Soma Roy Chowdhury,
...for the Union of India.

The writ petitioner is aggrieved by the order passed by the Central Administrative Tribunal, Kolkata Bench, in Original Application No. 350/1171/ 2013 on December 5, 2019. The original application was filed by the writ petitioner challenging the Office Order dated November 1, 2012, which is in violation of the decision of this court in W.P.C.T. 843 of 2003.

The writ petitioner appeared in the written test for the post of Technician Grade III against 25% PR Quota from existing Group D Staff from Electrical (General) Department. The basis of the selection for the aforesaid post consists of 85 marks in written test and 15 marks in viva voce test.

The writ petitioner participated in the selection process and, thereafter, he challenged the selection process on the ground that by reason of the order of the co-ordinate bench of this court in

W.P.C.T. 843 of 2003, the entire selection process is vitiated as the respondents are not entitled to adjudge suitability of the Group D staff for the post of Technician and the said post is to be filled up only on the basis of viva voce test.

The said argument was advanced on behalf of the writ petitioner before the tribunal. The decision rendered in W.P.C.T. 843 of 2003 forms the basis of the original application filed before the tribunal. From the said decision, it appears that a selection process was initiated in the year 1998 wherein 254 candidates were selected without any written examination out of which 140 candidates were provisionally allowed in relaxation of normal rules. It was on such conspectus of facts, the co-ordinate bench held that the recruitment to the posts of skilled Artisan, Grade-III Technician should be made only in order of merit in the viva voce test and not on the basis of selection which comprises written test as well as viva voce test. However, the co-ordinate bench observed that the decision shall not create any precedence in respect of other candidates who passed the A.I.T.T. examination but did not prefer any application before the tribunal.

The writ petitioner, having appeared in the selection process and after being unsuccessful, has questioned the selection process. The discretion exercised by the tribunal on the basis of the aforesaid fact and on the basis of the order of the co-ordinate bench of this court in W.P.C.T. 843 of 2003, in our view, does not call for any interference.

In view thereof, the writ petition fails, however, without any order as to costs.

Photostat certified copy of this order, if applied for, will be made available to the applicant within a week from the date of putting in the requisites.

(Soumen Sen, J.)

dns

(Hiranmay Bhattacharyya, J.)