

03.03.2021

Ct. No.13

Sl. No.24

akd

W.P.A. 238 of 2020 [via video conference]

[Rajib Mondal -Vs- The State of West Bengal & Ors.]

Mr. Gaurav Das

Mr. Vivaswan Dhar

Mr. Hemanta Kumar Das

Ms. Madhumanti Das

Mr. Nepesh Majhi

... .. for the petitioner

Md. Nure Zaman

... for respondent nos.12 & 28

The petitioner challenges the selection process to the post of Auxiliary Fire Operators and Civil Defence Volunteers in the district of Birbhum. The recruitment process had commenced in the year 2017.

The petitioner submits that three candidates who did not feature in the initial list had been declared successful in the final panel of 25 candidates. He refers to RTI applications and replies where it was indicated that the said six persons out of the final panel did not qualify in the physical fitness test.

Learned counsel for the respondent nos.12 & 28 submits that the said six persons have been reconsidered by the authorities as would be evident from the order dated 31st January, 2018 passed in W.P. No.31194(W) of 2017.

Be that as it may, it appears that the petitioner himself was found to be unfit as would be evident from a reply dated 26th February, 2019 under the RTI Act at Annexure 'P-14' to the writ application.

It is now well settled that an unsuccessful candidate cannot turn around and challenge the selection process or find

any error in the selection. The petitioner himself was found disqualified on account of physical fitness. Even assuming for the sake of argument that the other six respondents are excluded, the petitioner would not automatically get any benefit since he himself did not qualify in the physical fitness test.

For the reasons stated hereinabove, the writ petition fails and is hereby dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)