

Ct. 24
Item No.23
17.03.2021
(suvendu)

WPA 1113 OF 2021

**Sri Snehasis Barua
Vs.
The State of West Bengal & Ors.**

Mr. Anil Kumar Chattopadhyaya
.....for the petitioner
Mr. Shyama Prasad Purkait
Ms. Moumita Mondal
.....for the Municipality

Mr. Joytosh Mazumdar, Ld. G.P.,
Mr. Biswabrata Basu Mallick
Mr. Raja Saha
.....for the State

In response to an advertisement published in the year 2016 for appointment in the post of Mazdoor in the Diamond Harbour Municipality, the petitioner participated as a Scheduled Tribe candidate in the written test as well as in the interview for the post of Mazdoor. His name did not appear in the list of selected candidates. The said list was published in the year, 2017.

The petitioner filed the instant application in the year 2021 praying for a direction to give him appointment as he was the single Scheduled Tribe candidate who appeared in the recruitment process. The petitioner relies upon an order of this Court dated 12th February, 2020 passed in WP 22941 (W) of 2019 (Samiran Maity Vs. The Diamond Harbour

Municipality and Ors.) wherein in respect of the self-same Municipality the Court directed the Director of Local Bodies to take immediate steps for approval of the name of the petitioner for recruitment in the sanctioned vacant post. The present petitioner prays for similar order.

The learned advocate appearing on behalf of the Diamond Harbour Municipality submits that the petitioner is an unsuccessful candidate and accordingly his name was not included in the panel. As his name was not included in the panel, there is no question of giving appointment to him.

The learned advocate appearing on behalf of the State submits upon instruction that the panel which was forwarded by the Diamond Harbour Municipality for approval did not contain the name of the petitioner.

Upon hearing the submissions made on behalf of the respective parties, it appears that the petitioner though a single Scheduled Tribe candidate, was not successful in the recruitment process and accordingly, his name was not empanelled for his appointment. Being an unsuccessful candidate, the petitioner does not have a right to file the writ petition praying for issuance of a letter of appointment in his favour.

The order relied upon by the petitioner in the case of *Samiran Maity* (supra) is distinguishable on facts. In the case of *Samiran Maity* his name was included in the panel of selected candidates but the Director of Local Bodies did not approve his appointment and it is only then an order was passed upon the Director of Local Bodies for approval of his appointment. Such is not the case of the petitioner in the instant writ petition. The petitioner, being an unsuccessful candidate, cannot approach the Court for a direction for providing appointment to him.

The writ petition is without any merit and the same is dismissed.

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

(Amrita Sinha, J.)