

12.01.2021
Sr. No.5
tkm/sdas

WPST 9 of 2020
(Through video conference)
[Bikash Mondal & Ors. -Vs- State of West Bengal & Ors.]

M/s. Upen Roy and
D. Sardar

... ..Advocates for the petitioners,
Present in Court

M/s. Joytosh Majumdar, Ld. G.P.,
Raja Saha and
B. Basu Mallick

..... Advocates for the State
through VC

Challenge in the present petition is to the order dated November 21, 2019 passed by the West Bengal Administrative Tribunal (for short 'the Tribunal') in O.A. No. 898 of 2016. The issue raised before the Tribunal was pertaining to selection process for recruitment to the Group-D post under Irrigation & Waterways Directorate, Government of West Bengal. Advertisement was issued in the year 2010. Panel of the selected candidates was published on July 24, 2010. Some of the rejected candidates challenged the same by filing O.A. No. 454 of 2010. Interim order was declined to them. The matter came up to this Court in WPST No. 542 of 2010. Against the order passed by this Court, the matter was considered by the Hon'ble Supreme Court in Civil Appeal Nos. 6748-6749 of 2013 (**Buddhadeb Ruidas & Ors. etc. etc. vs. State of West Bengal and Ors.**). It was finally disposed of on August 13, 2013. Government was permitted to make appointments from the select list. The appointments were made. The petitioner who was not selected never raised any grievance. Three years after disposal of the matter by Hon'ble the Supreme Court claiming

that the select list of the balance vacant posts should be published, O.A. was filed by the petitioners before the Tribunal. The learned Tribunal rejected the Original Application filed by the petitioner.

After hearing learned counsel for the petitioner we do not find any merit therein.

Firstly, Original Application filed before the Tribunal raising a grievance that the queries made under the Right to Information Act had not been responded to, was not maintainable as under the Right to Information Act, there are remedies available for the same.

As far as prayer for a direction to the respondents to publish the select list for the balance vacant posts is concerned, Original Application filed before the learned Tribunal was highly belated. The selection process was completed on July 24, 2010. Issue was raised before the learned Tribunal, this Court and even before the Hon'ble Supreme Court. The matter was resolved by the Hon'ble Supreme Court vide order dated August 13, 2013 in **Buddhadeb Ruidas & Ors. etc. etc. vs. State of West Bengal and Ors.** (supra). Filing of O.A. to raise an issue more than three years thereafter was highly belated.

For the reasons mentioned above, we do not find any merit in the present petition.

Accordingly, the same is dismissed.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)