

16.03.2021
Ct. No.13
14
sdas

WPA 1896 of 2019
with
CAN 1 of 2020
(Via Video Conference)

Pinku Panja
Vs.
State of West Bengal & Ors.

Mr. Sanjay Saha
... for the petitioner

Mr. Lalit Mohan Mahata
Mrs. Jhuma Chakraborty
... for the State

The writ petition has been filed challenging the selection process to the post of Gram Panchayat Sahayak in Murshidabad District. The petitioner participated in the process and was unsuccessful. The petitioner claims that he made an application under the Right to Information Act in September, 2016 and obtained the marks secured by him and one Tara chand Sk.

Earlier, W.P. 29059 (w) of 2016 was filed by the petitioner challenging the selection process.

In course of hearing of the said writ petition, it is submitted that learned Counsel for the District Magistrate, Murshidabad, had produced certain instructions which indicated that the petitioner's marks were less than those 45 candidates who were selected. The writ petition was allowed to be withdrawn by this

Court by order dated 2nd January, 2019 in W.P. No. 21665(W) of 2017.

Counsel for the petitioner now submits that the instructions of the District Authorities on that day were incorrect and an attempt to mislead this Court. He further submits that but for such incorrect instructions the petition would not have been withdrawn by his client.

Mr. Mahata appearing for the State strongly denies the allegations of the petitioner. He submits that no leave was reserved to the petitioner on the said date and was not sought even thereafter. Therefore, the writ petition is not maintainable and barred by *res judicata*.

If the submissions of the petitioner are accepted, the entire selection process would have to be quashed. The beneficiaries of the selection process who are not parties herein would be seriously prejudiced.

More than five years have elapsed since his selection process. Entertaining the writ petition in the absence of the persons already selected apart from being improper would be a purely academic exercise.

The writ petition is also barred by *res judicata* as submitted by Mr. Mahata, Ld. Counsel for the State.

Hence, no relief could be granted to the petitioner.

However, this Court directs the District Magistrate, Murshidabad, to look into the allegations of the petitioner that learned Counsel representing the District Magistrate's office on 2nd January, 2019 in W.P. No.

21665(W) of 2017 had made submissions on the basis of wrong and misleading instructions.

With the aforesaid observations, writ petition being W.P. No. 1896 of 2019 is disposed of.

In view of disposal of the writ petition, connected application being CAN 1 of 2020 is also disposed of.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Rajasekhar Mantha, J.)