

12.04.2021
Ct. No.13
Sl. No.60
akd

W.P.A. 4164 of 2021 [via video conference]

[Koushik Chakraborty Thakur -Vs- The Hon'ble High Court at Calcutta & Ors.]

Mr. Debabrata Saha Roy
Mr. Indranath Mitra
Mr. Neil Basu
Mr. Subhankar Das
... .. for the petitioner

Mr. Joydeep Kar .. Sr. Advocate
Mr. Saikat Banerjee
... .. for the High Court

The writ petitioner participated in the selection process to the post of Stamp Reporter/Additional Stamp Reporter pursuant to an advertisement published on 29th August, 2018. Two vacancies were advertised. There were three candidates who applied for the post including the petitioner. The first candidate who was infact selected secured the higher marks.

Learned counsel for the petitioner would argue that there is indeed a vacant post and the contention of the High Court Administration that the petitioner is not even remotely found suitable for the job is unsustainable. A large number of other issues are also argued.

This Court notes that the petitioner for the first time raked up the result of the said promotional process after one year and four months that too in the form of RTI application dated 24th December, 2019.

The petitioner continued to seek information under the RTI Act on 28th January, 2020 and made a representation before

the Hon'ble The Chief Justice for the first time, on 19th February, 2020.

The said representation is followed up by a further representation to the Hon'ble The Chief Justice on 1st December, 2020.

This Court notes that the petitioner woke up two years and two months after the promotion process having been completed. All acts in the form of representation or RTI answer cannot come to the aid of the petitioner. The delay and laches of the petitioner in pursuing remedies has indeed become fatal. The argument that there is still vacancy today to accommodate the petitioner cannot come to the aid of the petitioner.

As a passing observation, this Court is of the view that merely because there is a vacancy available, a candidate who in the views of a selection committee does not even remotely qualify for the post or have elementary knowledge therefor, cannot claim any right for promotion, engagement or appointment.

For the reasons stated hereinabove, the writ petition must fail 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.)