

25.03.2021

Ct. No.13

Sl. No.194

akd

W.P.A. 5921 of 2021 [via video conference]

[Utpal Mandal & Anr. -Vs- The West Bengal Co-operative Service Commission & Ors.]

Mr. Asim Banerjee

Mr. Ambu Bindu Chakraborty

... .. for the petitioners

Mr. Pradip Kumar Ray

Mr. Ankit Sureka

Mr. Partha Sarathi Pal

... .. for the State

The writ petitioners participated in the process of recruitment of Upper Division Clerks conducted by the West Bengal Cooperative Service Commission pursuant to advertisement No.01/2020. The petitioners submit that there was no column in the online application form to indicate the reservation status of any candidate. In addition thereto, the petitioners are aggrieved by the fact that there is no reservation for EC candidates i.e. reserved EC. The petitioners claim to come under the land loser category.

Mr. Pradip Kumar Ray, learned counsel appearing for the State would argue before this court that the West Bengal Cooperative Service Commission only conducts the examination and recommends eligible candidates to the requesting societies based on their requirement. It is only the concerned society who has to indicate the number of vacancies which include reserved vacancies. Based on such request, the Commission holds the selection process and recommends candidates to the societies based on their choice of the candidate. It is also submitted that

no request for vacancies against the EC category have been received by the Commission.

This Court notes that the first grievance of the petitioners has already been addressed. The Commission has produced the application form of the petitioner no.1 which specify that he was a Scheduled Caste candidate. The same is clearly evident in the first page of the form.

Since the petitioner is already reserved in one category i.e. Scheduled Caste, he cannot claim the benefit of the additional EC category reservation.

There is suppression of materials facts and/or a misstatement thereof by the petitioners.

The petitioners have even otherwise participated in the selection process and cannot be permitted to now turn around and challenge the same.

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

There shall be no order as to costs.

The application forms of the petitioners as produced by the State may be kept with the record.

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

(Rajasekhar Mantha, J.)