

21.04.2021.
Item no. 2.
Court No.13
ap

**W.P.A. No. 6511 of 2021
(Through Video Conference)
Somnath Nandi
Versus
The State of West Bengal & Ors.**

Mr. Denashis Saha,
Ms. Dipika Basu.

...For the petitioner.

Mr. Kishore Datta, Id. A.G.
Mr. Pantu Deb Roy, AGP
Mr. Subrata Guha Biswas.

...For the State respondents.

Mr. Kishore Datta, learned Advocate General has submitted that there have been about 60,700 applicants for the posts of Bana Sahayaks in the State of West Bengal. The petitioners have been applied in the Malda District.

It is submitted that the writ petitioner's application was never received by the State.

This Court finds serious anomalies in the selection process since no receipt was issued to any of the applicants and the applicants were prevented from sending the same by Registered or Speed Post.

It is further submitted by the learned Advocate General that the criteria mentioned in the supplementary affidavit of the petitioners has been strictly followed in the screening of applications.

One would have normally expected a merit list, if not the entire list of candidates, who had applied for

the post, to have been published by the State. This has not been done in the instant case.

It is, therefore, difficult to determine as to who has applied and who has been appointed. Questions therefore arise as to whether the selection process was at all transparent.

Mr. Datta, learned Advocate General, refers to citing decisions of the Hon'ble Supreme Court of India which have laid down that the selection process cannot be interfered with on the mere ground of absence of transparency or non-publication of merit list.

The objection of the learned Advocate General that the successful candidates have not been impleaded as party respondents in this proceeding, is not accepted since the State has not published the list of successful candidates or any merit list.

If the State wishes to bring on record any further facts, an affidavit may be used by it on the adjourned date upon prior service to the writ petitioner.

In those circumstances, let the hearing of this matter stand adjourned and be listed on 27th April, 2021 at 2:00 P.M. under the heading “***Specially Fixed Matter***” for further hearing.

It is made clear that the selection of candidates and their appointments shall abide by the final result of the instant writ application.

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

(*Rajasekhar Mantha, J.*)