

**09.03.2021**  
Ct. No.13  
Sl. No.10  
akd

**W.P.A. 6696 of 2016 [via video conference]**  
**CAN 1 of 2021**

*[Sk. Md. Nuruzzaman -Vs- The State of West Bengal & Ors.]*

Sk. Rejaul Alam  
... .. for the petitioner

Mr. Lalratan Mondal  
Mr. Dilip Kr. Sadhu  
... for the private respondents

Mr. Arjun Roy Mukherjee  
Mr. Bibekananda Tripathy  
... .. for the State

The State has finally appeared with instructions. Mr. Arjun Roy Mukherjee, learned advocate appearing for the State has produced the panel prepared in the year 2013. The candidates under Serial Nos. 2 & 3 namely, Babun Kr. Maity and Lokenath Pramanik have indeed secured marks equivalent to their position in the panel. Mr. Mukherjee in his usual fairness, which this Court appreciates, that his clients have not been able to explain as to how the said two persons were engaged despite having a OBC (B) certificate.

In these circumstances, the District Magistrate, Paschim Medinipur shall forthwith disengage Babun Kr. Maity and Lokenath Pramanik. The District Magistrate shall also cause an enquiry within his office as to under what circumstances the said two persons admittedly belonging to OBC (B) category were empanelled in OBC (A) posts.

It appears that the panel was prepared in the year 2013. The first three persons have been functioning after having been appointed since 2013. The second and third persons being the

respondent nos.6 & 7 herein have been illegally functioning since 2013. None of the persons other than the petitioner have challenged the eligibility of the respondent nos.6 & 7.

In these circumstances, the District Magistrate, Paschim Medinipur shall engage the petitioner in place and stead of Babun Kr. Maity. The engagement of the writ petitioner may be effected within a period of seven days from the date of receipt of a copy of this order.

With the aforesaid observations, the writ petition is disposed of.

In view of disposal of the writ petition, the connected application being CAN 1 of 2021 is also disposed of.

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.)***