

26.11.2021
Item No.02
Court No.32
Krishnendu

W.P.S.T. No. 82 of 2021

In re: An application under Article 226 of the Constitution of India filed on 01.10.2021;
And

In re: Mainak Khamaru
- Versus -
The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee
Mr. Tirthankar Ghosh
For the Petitioner
Mr. Tapan Kumar Mukherjee, Id. A.G.P.
Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
For the State Respondents

The learned advocate appearing for the petitioner submits that pursuant to the earlier order of this Court dated 8th October, 2021, the *off-line* application form was handed over to the petitioner. He duly filled up and submitted the same to the respondent no.4. The said respondent duly accepted the said application.

Mr. Mukherjee, learned Additional Government Pleader appearing for the State submits that the earlier order of this Court has been duly complied with. However, no test has been scheduled as yet for the concerned post.

In the order impugned it has, *inter alia*, been observed by the learned Tribunal that '*the recruitment notice has been issued as per the provisions of the Recruitment Rules and admittedly the Applicant is more than 27 years of age on the cut-off date i.e. on 01.01.2021*'.

We clarify that such observation was made by the learned Tribunal while considering the petitioner's prayer

for interim order and the same would not affect the final hearing of the matter.

We make it clear that in the event any test for the concerned post is held prior to disposal of the Original Application, the respondents shall allow the petitioner to participate in the same, without prejudice to their rights and contentions.

Mr. Mukherjee informs this Court that no reply has yet been filed in the Original Application.

In view thereof, we direct the respondents to file such reply within a period of three weeks from date. Rejoinder thereto, be filed by the petitioner within a week thereafter.

The learned Tribunal is requested to dispose of the Original Application, being O.A. 594 of 2021, as expeditiously as possible, preferably by the end of January, 2022, without granting any unnecessary adjournments to either of the parties.

The writ petition is, accordingly, disposed of.

There shall, however, no order as to costs.

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

(Hiranmay Bhattacharyya, J.) (Tapabrata Chakraborty, J.)