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10.12.2021
Ct. No.23
(NB)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 18271 of 2021

Namita Mahato
Vs.
The State of West Bengal & Ors.

Mr. Soumik Ganguly,
Mr. L. R. Mandal,
Mr. Avik Kr. Das,
Mr. Dilip Kr. Sadhu,
Mr. Sayan Roy.

... for the petitioner.

Ms. Sahili Mukherjee.

... for the State.

Affidavit of service filed in Court today is taken on record.

The petitioner belongs to Other Backward Class under “B” category and is a resident of Bandwan in district Purulia. The petitioner was engaged as a Social Audit Volunteer under the National Rural Employment Scheme in the Supidih, Gram Panchayat under Bandwan Development Block. The designation of Social Audit Volunteer has been abolished. A new post according to the petitioner has been created with the nomenclature, Village Resource Person replacing Social Audit Volunteers. The district administration of Purulia had conducted a selection process to recruit Village Resource Person on 7th December, 2015. Although the petitioner submitted his candidature but did not participate in the selection process. The

selected candidates from out of the selection process were recommended for appointment. The petitioner says that one of the recommended candidates has not joined and as such one post of Village Resource Person in Bandwan Block is vacant.

The petitioner made a representation for being given appointment as a Village Resource Person to the district Purulia on 28th December, 2020 against the vacant post. The petitioner further says that by a memo dated 19th January, 2021, the petitioner's application was forwarded to the District Nodal Officer, Social Audit Unit, Purulia by Block Development Officer, Bandwan Block for his/her kind perusal and for taking necessary action. The petitioner says that no decision has been taken and as such the authorities should be directed to take a decision as to the petitioner's application.

Having considered the submissions made by the parties and the materials on record, I find that the engagement of Village Resource Person has been admittedly done through a selection process. The petitioner admittedly did not participate in such selection process. In these facts and circumstances, it will be improper to bestow the petitioner with the benefit of her application be considered out of turn for filling up the vacant post when admittedly the vacancies were filled in by a selection process. This will amount to putting an official seal to fill in a vacancy arising out of non joining of a selected candidate when the policy adopted is to fill in the same through a proper selection process. This will also encourage in filling up a post by a separate process denying many other deserving candidates from

being considered. The option to get better and more suitable candidates by holding a proper selection process will also be lost.

The writ petition is, therefor, devoid of merits and is accordingly dismissed without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

The dismissal of the writ petition will, however, not prevent the petitioner from applying or for being considered in any subsequent selection process that may be conducted to fill in the vacancies if the petitioner is otherwise eligible and fulfills the required eligibility criteria under such selection process.

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

(Arindam Mukherjee, J.)