

35 **10.12.
2021**
Ct. No. 04

Ab

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.

WP.ST 102 of 2021

Monidipa Parui and others.
Vs.
State of West Bengal and others.

Mr. Arnab Sinha,
Mr. Dyutiman Banerjee,
Mr. Amartya Basu.

... for the Petitioners.

Mr. Raja Saha,
Mr. Biswabrata Basu Mallick.

... for the State.

Evidently, the present writ application is filed seeking direction upon the West Bengal Administrative Tribunal to expedite the hearing of the Original Application No. 717 of 2019 and dispose of within a time frame.

According to the learned Advocate for the petitioners, the aforesaid tribunal application was taken out for a direction upon the respondent authorities to set aside the entire process of selection of the junior engineers ensued on the basis of Advertisement No. 25 of 2017 by the Public Service Commission upon maintaining the ratio 1:3 while recommending for appointment for Personality Test.

The sole grievance of the petitioners is that since the matter pertains to a selection process commenced in the year 2017 and if the tribunal application is allowed to be protracted for any longer period, the persons, who have approached the Tribunal, may be put in a disadvantageous position and may likely to be debarred

from offering their candidature in future selection process.

It is no doubt true that the matter, which was filed way back in the year 2019, has not matured for final disposal in absence of affidavits to be filed by the contesting respondents. Our attention is drawn to an order dated 1st October 2021, wherein the Tribunal acceded to the prayer of the respondents in extending the time to file affidavit-in-opposition by 22nd December 2021 and reply by 19th January 2022 so that the matter may be taken up on 31st January 2022.

Time to file opposition has not expired or elapsed as yet. The apprehension of the petitioners is that despite such extension having granted, the State is interested in prolonging the litigation and there is every possibility that they may not file the opposition.

Learned Advocate for the State assures this Court that there is no intention on the part of the State to elongate the process of litigation and the affidavits shall be exchanged within the time as granted by the Tribunal.

In view of the above, we do not feel that any mandatory direction is required to be passed once the intention of the Tribunal is evidently patent that the matter would be disposed of on the date so fixed or in a close proximity of time therefrom.

Accordingly, we do not find that any further direction is required to be passed.

The writ application is, thus, disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

