

December 13, 2021
Item No. 03
Court No.1
SG/s.biswas

WPA 20316 of 2011

Arunangshu Chakraborty
vs.
The State of West Bengal and others
(Through Video Conference)

Mr. Arunangshu Chakraborty
... petitioner in person

Mr. Tapan Kumar Mukherjee, Senior Advocate
Mr. Somnath Naskar, Advocate
... for the State

Mr. Satyajit Talukdar, Advocate
... for the K.M.D.A.

In this public interest litigation the petitioner had challenged the notification for special recruitment to the post of Junior Constable in West Bengal Police, 2011 whereby the applications were invited from the permanent residents of the police stations in Left Wing extremists infested areas of Paschim Midnapore, Bankura and Purulia who fulfil the requisite eligibility condition.

Submission of learned counsel for the petitioner is that the notification runs counter to the judgment of the Supreme Court in the matter of *A. V. S. Narasimha Rao and others vs. The state of Andhra Pradesh and another* reported in 1969 (1) SCC 839 and that the restriction on the basis of the residents can be provided only by way of legislation of the Parliament.

Having examined the record, we find that the recruitment process in pursuance to the notification in

question was already complete in the year 2011 and the State Government had appointed 4453 junior constables in the area concerned on completion of the process in the year 2011 itself. Thereafter 10 years have passed, therefore, the issue which learned counsel for the petitioner is raising in respect of the validity of the notification has become academic especially when the candidates, who have been recruited and appointed, have not been made party in the present petition. That apart, in the affidavit-in-opposition respondents have given a justification for restricting recruitment to the particular area residents and raised an objection that the PIL in service matters cannot be entertained.

Having regard to the aforesaid, we are of the opinion that the prayer made in the PIL cannot be granted at this stage.

The PIL is accordingly dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]