

S/L 22
30.09.2021
Court. No. 19
GB

WPA 9556 of 2020

Md. Samsad Alam
Vs.
The State of West Bengal & Ors.

*Md. Nauroz Rahber,
Mr. Noor Alam.*

...for the Petitioner.

*Mr. Arjun Roy Mukherjee,
Mr. Sudip Sarkar.*

...for the State.

The petitioner is an unsuccessful candidate, who participated in a recruitment process for the post of 'Gram Panchayat Secretary. The recruitment process is over and the vacancies have been filled up. The only challenge before this Court is that, some of the candidate, who have been appointed do not belong to the exempted category, but they were appointed against posts reserved for exempted category candidates.

From the writ petition it is found that there are no specific pleadings with regard to the identity of such candidates. Neither have the candidates been made parties. The allegations are vague and not supported by any cogent material.

The petitioner has not been able to satisfy the Court that arbitrariness, irregularity or illegality had vitiated the recruitment process. It is an established principle of law that an unsuccessful candidate cannot challenge a recruitment

process unless there are infractions of rules or mala fide and arbitrariness were apparent in the procedure adopted by the recruiting authority.

The writ petition is disposed of without any orders. However, as it is the allegation of the petitioner that some of the selected candidates were not eligible, the petitioner may approach the appropriate authority with better particulars and details. If such approach is made, then the competent authority shall dispose of the application filed by the petitioner upon hearing the petitioner and such persons. A reasoned order shall be passed and communicated to all concerned.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)