

15.12.2021
Sl. No.1
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9742 of 2020

Arpan Kumar Chattopadhyay
Vs.
Union of India & Ors.

Mr. Uttiya Ray,
Mr. Anirban Ghosh

....for the petitioner.

Mr. Dayashankar Mishra,
Mr. Nilanjan Bhattacharya

....for Union of India.

In terms of the order dated 24th November, 2021 an affidavit affirmed on 14th December, 2021 containing the minutes of the meeting of the Search-cum-Selection Committee held on 5th June, 2020 regarding selection for the post of Members in Customs, Excise and Service Tax Appellate Tribunal filed in Court today is taken on record. It appears from the minutes of the Search-cum-Selection Committee headed by an Hon'ble sitting Judge of the Hon'ble Supreme Court of India nominated by the Hon'ble the Chief Justice of India that the said committee has decided to advertise for 9 existing and 2 anticipated vacancies of Member (Technical) and 3 existing and 1 anticipated vacancy of Member (Judicial). The substance of the advertisement is to be prepared for getting the approval of the Committee either through circulation or through a small meeting.

Taking note of such decision taken by the Search-cum-Selection Committee, there is no scope of passing any order in favour of the petitioner as prayed in the instant writ petition. The vacancy against which the petitioner is seeking appointment by way of a mandatory order has been decided to be included in the fresh advertisement process, as will appear from the minutes of the meeting of the Search-cum-Selection Committee dated 5th June, 2020.

In the aforesaid facts and circumstances, the writ petition is disposed of without any further orders.

Disposal of the writ petition will not prevent the petitioner from being considered against any fresh advertisement to be published in accordance with the decision taken by the Search-cum-Selection Committee on 5th June, 2020, if the petitioner is otherwise entitled to in law and fulfils all requisite qualifications under the said advertisement.

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

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

(Arindam Mukherjee, J.)