

22.03.2021

Ct. No.13

Sl. No.31

akd

W.P.A. 10297 of 2020 [via video conference]

[Pritam Saha & Ors. -Vs- The State of West Bengal & Ors.]

Ms. Anita Kaunda

... .. for the petitioners

Mr. Sudipto Panda

Ms. Munmun Tewary

... .. for the State

The petitioners are aggrieved for not being empanelled to the post of Auxiliary Fire Operator in the recruitment process dated 15th December, 2017 conducted by the Office of the District Magistrate & Controller of Civil Defence, North 24-Parganas, Barasat.

Pursuant to an order of a coordinate Bench dated 4th February, 2020 passed in W.P. No. 23804(W) of 2019 (*Biswajit Biswas & Ors. vs. The State of West Bengal & Ors.*), the Divisional Fire Officer, North 24-Parganas has on 11th August, 2020 considered representations of the petitioners. The petitioners were aggrieved by the same.

It appears from the impugned order and the records that the Department of Fire & Emergency Services, Government of West Bengal was desirous of engaging 1500 Auxiliary Fire Operators under the West Bengal Fire & Emergency Services Department. The recruitment process was restricted to civil defence volunteers. 180 vacancies were identified in each district and as such 180 civil defence volunteers were engaged pursuant to the said advertisement in the district of North 24-Parganas.

It further appears from the records that applications were invited to be submitted in physical form though no formal receipt was issued to any of the applicants. The total marks to be allotted was 60. 10 marks was allotted for long jump, 10 marks for ladder climbing, 10 marks for height, 10 marks for educational qualification and 20 marks for technical qualification. Under the heading 'technical qualification' i.e. the subject matter of the instant dispute, five marks were allotted to ITI certificate holders in mechanical, automobiles and electrical fields, five marks for knowledge of MS-Office application in computers, five marks for persons with four-wheeler driving licence and five marks for NCC Scout certificate holders.

The respondents have filed a report as directed by this court. An objection is filed to the same. The respondents have also produced the original applications and the marks allotted to all candidates in the recruitment process with individual break up under the aforesaid 60 marks head.

It appears from the records that the petitioner no.1 namely, Pritam Saha had infact submitted a certificate from a private organisation called CBTI indicating that he has successfully completed a course between July, 2012 and December, 2012 on Desktop Publishing (DTP). Similarly, the petitioner no.2 namely, Apurba Acharjee has also submitted a certificate issued by a private organisation called Pragati Infosys stating that he has completed a diploma in computer applications.

Admittedly, there is no evidence to suggest that the said two organisations i.e. CBTI and Pragati Infosys are recognised

by any university or Government authority. Further the knowledge of computer application namely, MS-Office is also not specifically mentioned therein. Based on the driving licence produced by said Apurba Acharjee, five marks towards technical qualification have been allotted to him.

Having considered these two examples, this Court is satisfied that the screening process and receipt of applications have been without fault. It is indeed true that no formal receipt has been given to any applicant while applications were received from them.

In the above circumstances, this Court is unable to accept the arguments advanced by the learned counsel for the petitioner that the selection process in the instant case for Auxiliary Fire Operator conducted in the year 2017 has not been transparent or without any favouritism or bias as crept in.

The argument of Ms. Kaunda for the petitioners that the Reservation Roster System was not followed by the State cannot be entertained. No ground to that effect has been taken in the writ petition. The period of one year of contractual engagement of the said person is also over.

It is however, noted that the post of Auxiliary Fire Operator filled up pursuant to the aforesaid advertisement process was for one year. The period of one year has long expired. The State had undertaken the recruitment process as a stopgap measure pending formal recruitment in the said post.

It is, therefore, ordered that the State must undertake a regular recruitment process of Auxiliary Fire Operator and must

not restrict the same to civil defence volunteers (otherwise called Civic Volunteers) only.

This Court deprecates the practice of receiving applications for public recruitment in drop boxes. In all process of recruitment i.e. temporary, permanent or contractual in the State must provide for a formal receipt to be issued by the recruiting authority upon receipt of any application.

It is expected that henceforth due process is followed and transparency is ensured by the State in all public recruitment i.e. permanent, temporary or contractual. The aforesaid observations are to ensure that the State gets the best of talent to fill up posts that require performance of public duties and there is equal opportunity for the public at large to benefit from public employment.

Since it has been found by this court that the aforesaid recruitment process of Auxiliary Fire Operator, cannot otherwise be seriously faulted, no interference is called for in the instant writ application.

Hence, the writ petition fails and is hereby dismissed.

There shall be no order as to costs.

Records produced by the State are hereby returned.

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

(Rajasekhar Mantha, J.)