

18.1.2021
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WPA 11691 of 2020

Amitava Banik & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Atarup Banerjee,
Mr. Bapin Baidya
... For the Petitioner.
Mr. Arjun Roy Mukherjee,
Ms. Anima Das Chakraborty
... For the State.
Mr. Subhendu Banerjee
... For the Municipality.

The petitioners participated in a recruitment process for appointment in the post of Clerk in the Joynagar Majilpur Municipality.

The petitioners contend that there were five vacancies and a list of successful candidates was published. The petitioners were successful in the recruitment process and their names have been empanelled and sent for approval to the Director of Local Bodies some time in February, 2020.

The petitioners submit that the selection process has not been concluded by not giving approval to the select list.

The petitioners made representation before the Director of Local Bodies by a letter dated 7th February, 2020 which was received by the Office of the Director of Local Bodies on 13th November, 2020.

The learned advocate appearing for the Municipality submits that the panel which was

prepared has been forwarded to the Director of Local Bodies for approval but the same is pending consideration till date.

The learned advocate appearing for the State submits that he has not received any instruction in this matter.

As it appears from the submissions of the parties, that the matter is pending consideration at the end of the Director of Local Bodies no useful purpose will be served by keeping the writ petition pending.

The same is, accordingly, disposed of by directing the Director of Local Bodies being the respondent No.2 herein to take necessary steps for conclusion of the recruitment process, strictly in accordance with law, within a period of six weeks from the date of communication of a copy of this order. The said respondent shall intimate the petitioners and all other necessary parties with regard to the decision taken as regards approval of the panel which was forwarded by the Municipality.

It is made clear that the claim of the petitioners for being recruited has not been decided by the court and all points are left open for the said respondent to be considered at the time of consideration of the representation of the petitioners.

The writ petition has been filed by depositing only one court fees. The learned advocate for the petitioner is directed to deposit the deficit court fees in respect of the petitioner No.2 by tomorrow. In default, the order passed herein will be restricted only in respect of the petitioner No.1 and the writ petition shall be deemed to be dismissed in respect of the petitioner No.2.

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

(Amrita Sinha, J.)