

05.05.2022
Court No. 19
Item no.13
CP

WPA No. 2325 of 2022

Asit Gupta & ors.
Vs.
The State of West Bengal & ors.

Mr. Avishek Prasad
Ms. Sreetama Neogi

....for the petitioners.

Mr. Moloy Krishna Dey
Mr. Subrata Ghosh

....for the State.

Despite service, none appears on behalf of the English Bazar Municipality.

The petitioners participated in a selection process initiated by the English Bazar Municipality sometime in 2016. The employment notice was published by the Chairman, English Bazar Municipality to fill up certain vacant posts of 'Mazdoor', amongst others. The petitioners allege that they were successful at the written examination and also at the interview. The allegation is that the selection process was not concluded. No merit list was prepared and appointments/engagements were not given to the petitioners, who were successful.

The petitioners moved the competent authorities under the Right to Information Act in order to ascertain the fate of the selection process. It

appears that the SPIO intimated the petitioners that the information sought for, could not be given to the petitioners as the same was barred under Section 8(1)(J) of the Right to Information Act, 2005. Aggrieved, the petitioners preferred an appeal before the appellate authority, namely, the then chairperson of the municipality. It is submitted that the petitioners were called for a hearing by the appellate authority. Such hearing was held. However, no order was passed pursuant to the hearing. Such submissions made before this court are also supported by records. Finding no other alternative the petitioners moved before the Hon'ble Chief Minister and the departmental minister as also the chairperson of the English Bazar Municipality. None of the authorities have paid and heed to the request of the petitioners to conclude the recruitment process.

This court is of the opinion that the authorities reserve the right to cancel a recruitment process for bona fide reasons, yet, the petitioners who have participated in a selection process in terms of an advertisement for engagement/appointment to sanctioned posts, do have a right to know the outcome/fate of such selection process.

Under such circumstances, the petitioners are given liberty to approach the Chairman, English

Bazar Municipality with their grievances by filing a representation within two weeks from date.

The Chairman, English Bazar Municipality shall dispose of the said representation upon hearing the petitioners. A reasoned order shall be passed. The fate of the selection process must be disclosed in the order. If the process has been cancelled or abandoned or kept in abeyance, the same shall also be indicated in the order and reasons for such decision, if any, shall also be disclosed.

This order shall not be construed as an opinion of the court on the claim of the petitioners. All issues are left open to be decided by the appropriate authority as indicated above. The authority shall hear the matter in a free and fair manner and independently.

The entire exercise shall be completed within a period of two months from the date of receipt of the representation of the petitioner.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)