

14.03.2022
sayandeep
Sl. No. 06
Ct. No. 05

WPA 3762 of 2022
Tanmoy Karmakar
-Versus-
The State of West Bengal & Ors.

Mr. Chittapriya Ghosh
Mr. Samir Kr. Adhikari

..... for the petitioner

Mr. Gaurav Das
Mr. Saikat Chatterjee

.... for the State

The petitioner was appointed to a Group-D post by the concerned College on 25th January, 2022 subject to the petitioner joining the post by 24th February, 2022. The appointment was based on the petitioner being a Scheduled Caste candidate. The petitioner's Scheduled Caste Certificate was cancelled on 13th November, 2021. The petitioner preferred an appeal from the said cancellation within the time frame provided under the relevant Rules. The said appeal is pending. This fact was made known to the College by the petitioner's letter dated 23rd February, 2022. The College thereafter extended the time for joining to the post till 26th March, 2022.

The prayer of the petitioner, as would be evident from the submissions made by learned counsel appearing on his behalf is that the petitioner be allowed to join the post subject to the result in the pending appeal.

The State is represented.

The College is not represented despite being served on 2nd March, 2022. Upon hearing learned counsel and considering the documents, it is evident that the College was aware of the fact that the petitioner's Scheduled Caste candidature was cancelled and that an appeal preferred from the said order was pending adjudication as on the date of extending time till 26th March, 2022. Since the College extended the time notwithstanding the fact of cancellation of the Scheduled Caste Certificate, the College authority is directed to permit the petitioner to join the said post subject to the outcome of the pending appeal. Since the said post has been reserved for Scheduled Caste candidate, the College will be at liberty to take appropriate steps if the appeal is decided against the petitioner.

WPA 3762 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)