

17.01.2022
Court No. 19
Item no.23
sn

WPA 5243 of 2021

Mainak Das Roy
Vs.
The State of West Bengal & ors.

Mr. Sarwar Jahan
Ms. Anwasha Halder
.....for the petitioner.

Mr. Swapan Banerjee
Mr. Saugata Mitra
....for the State.

Mr. Dipankar Mandal
Mr. Abdul Aziz Mondal
.....for the municipality.

The petitioner appeared at a selection process conducted by the Chakdaha municipality pursuant to an advertisement/employment notice issued by the municipality on December 4, 2017. The petitioner applied for the post of "Assessment Inspector". The petitioner was short-listed. Thereafter, the petitioner was called for an interview. The learned advocate for the petitioner submits that the petitioner duly appeared at the interview on September 8, 2018. According to the petitioner, subsequent to the interview neither any panel had been prepared nor any decision had been taken by the authority with regard to the recruitment process.

Reliance is placed on an order issued by the Joint Secretary to the Government of West Bengal,

Department of Urban Development and Municipal Affairs dated October 5, 2020. From the said order, it appears that all pending matters relating to appointment and promotion of the municipal staff in West Bengal prior to coming into force of the Municipal Service Commission, would have to be disposed of by the Director of Local Bodies, West Bengal.

The petitioner seeks a mandatory order upon the said respondent, especially, the Director of Local Bodies, West Bengal, to finalize the selection process in which the petitioner appeared.

Mr. Mandal, learned advocate appearing on behalf of the municipality submits that the selection process was reached to its logical conclusion. A panel of successful candidates was prepared and forwarded to the Director of Local Bodies on September 11, 2018. Reminders have been sent repeatedly to the Director of Local Bodies, West Bengal and lastly on February 18, 2021. As per the recruitment rules of 2005, the approval of the Director of local bodies was required before the appointment could be made.

This Court is of the opinion that the issue has to be decided by the Director of Local Bodies, West Bengal expeditiously in view of the fact that the matter has been pending since 2018 and the election of the municipal authorities may be notified soon.

Accordingly, the writ petition is disposed of with a direction upon the Director of Local Bodies, West Bengal to take a decision on the issue with regard to the appointment of the selected candidates under the Chakdaha municipality, which has been pending before him since September 11, 2018. The decision shall be arrived at within one month from the date of communication of this order and necessary orders shall be passed by the authority in accordance with law.

While disposing of the matter, the Director of Local Bodies, West Bengal, shall give a hearing to the appropriate authority of the municipality.

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.)