

05.04.2022
Sl. No.9
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4400 of 2022

Koushik Mahata & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Lalratan Mandal,
Mr. Dilip Kumar Sadhu,
Ms. Maitreye Banerjee

....for the petitioners.

Mr. Rezaul Hossain

....for the State.

There are altogether 28 writ petitioners who are espousing their independent cause, if any, in a single writ petition. The petitioners say that the relief claimed are based on the same set of facts and the prayers are also against the common respondents.

Ordinarily, the writ petition framed in the manner as in the instant case is liable to be dismissed. However, instead of dismissing the same, I propose to hear out the matter on merits as the petitioners have paid court fees in respect of all 28 writ petitioners. The petitioners say that the Department of Forest, Government of West Bengal issued an advertisement through its official website on 22nd July, 2020 for engaging “Bana Sahayak” at a fixed remuneration of Rs.10,000/- per month. The petitioners say that as per the eligibility criteria fixed

in respect of the said advertisement, an applicant has to be Class – VIII pass and within the age limit of 18-40 years. The petitioners say that they had applied for the said post, but were never called for any interview though all of them possessed the requisite eligibility criteria.

Being aggrieved by such inaction, the petitioners have prayed for quashing of the entire selection process under the subject advertisement dated 22nd July, 2022, and to start the recruitment process *de novo*.

The petitioners are unable to demonstrate that they are entitled to invoke the writ jurisdiction for enforcement of a right conferred on them by Part III of the Constitution of India. The petitioners have also not been able to demonstrate that they have an enforceable right, which has been infringed, and as such, they are not entitled to file and maintain the writ petition for “any other purpose” as provided under Article 226 of the Constitution of India.

The writ petition is devoid of merits. Moreover, the respondents say that the entire selection process is over and the empanelled candidates have been given appointment/engagement. No fruitful purpose will also be served keeping the writ petition pending by seeking particulars from the respondents

regarding the completion of the selection process and filling up of all the vacancies inasmuch as the final relief prayed for by the petitioners cannot be granted.

The writ petition is, therefor, dismissed.

Since I have not called for any affidavits, allegations made in the writ petition save those admitted in the reports are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)