

05. 16.03.2022
Ct. No.06
Tanmoy

M.A.T. 341 of 2022
With
IA No: C.A.N. 1 of 2022
With
IA No: C.A.N. 2 of 2022

Akhib Khan & Anr.
-Versus-
The State of West Bengal & Ors.

Mr. Pankaj Halder, Adv.,
Mr. Sanatan Panja, Adv.,
Mr. Tapas Manna, Adv.

...for the appellants.

Sk. Md. Galib, Adv.,
Ms. Sujata Ghosh, Adv.

...for the State respondents.

In Re: IA No: C.A.N. 1 of 2022 in M.A.T. 341 of 2022

This is an application for condonation of delay of Nineteen days in filing the appeal. Causes shown being sufficient, the delay is condoned. The application being IA No: C.A.N. 1 of 2022 in M.A.T. 341 of 2022 is disposed of.

In Re: M.A.T. 341 of 2022
With
IA No: C.A.N. 2 of 2022

By consent of the parties, the appeal and the connected application are taken up together for hearing.

This appeal is preferred against an order dated January 20, 2022, whereby W.P.A. 15124 of 2021 (*Akib Khan & anr. – Vs. – The State of West Bengal & Ors.*) was

disposed of. The operative portion of the order under appeal reads as follows:

“Under such circumstances, without going into the merits of the claims of the parties and as disputed questions of facts are involved, the writ petition is disposed of with a direction upon the competent authority of the WEBEL Technology Limited to consider the representations of the petitioners being Annexure – P-5 at pages 32 and 33 of the writ petition and intimate the petitioners the about the fate of their application and also why they were not called for verification.

The contention of the petitioners that the entire process was conducted without an advertisement, is not accepted at this stage, in view of the fact that the petitioners had applied in the portal by submitting on-line applications, pursuant to the recruitment notice.

The said intimation shall be given to the petitioners within a period of three months from the date of the communication of this order.

A copy of the representations of the petitioners shall be served upon the competent authority of WEBEL Technology Limited along with a server copy of this order.”

Learned Counsel for the writ petitioners/appellants makes the grievance that the writ petitioners ought to have been called for interview after having applied online. Further, there was no paper advertisement of the recruitment process. This is in violation of directions of the Hon’ble Supreme Court. Learned Counsel for the appellants says that although, Webel Technology Limited submitted before the learned Single Judge that the

selection process has been completed in 2021, his instruction is that the process is still going on.

Nobody has appeared for Webel Technology Limited, which was the recruiting agency on behalf of the State. The recruitment was for the post of Data Entry Operator for *Bangla Sahayata Kendra*. However, since we are not inclined to interfere with the order impugned, we do not feel that the presence of Webel Technology Limited before us is necessary.

The contention of the writ petitioners that any and everybody who applied, ought to have been called for interview, is preposterous. The recruitment notice clearly says that only the short-listed candidates would be called for interview. We do not know as to why Webel Technology Limited did not call the writ petitioners for interview. It is possible that Webel Technology Limited found the writ petitioners to be ineligible or not satisfying the criteria mentioned in the recruitment notice. This is exactly why the learned Single Judge has directed the Webel Technology Limited to consider the representations of the writ petitioners and communicate to them the reason for not calling them for interview and also the fate of their application, which they had made online. The contention of the writ petitioners that due to lack of paper publication, the recruitment process is bad, must be rejected. The writ petitioners, having applied as

candidates online, cannot demonstrate any prejudice that they have suffered for lack of paper publication.

The learned Single Judge granted three months' time to Webel Technology Limited to comply with the order under appeal. Since two months have already gone by, on the request of the learned Counsel for the appellants, we extend the time for Webel Technology Limited to consider the representations of the appellants/writ petitioners and communicate to the appellants/writ petitioners the fate of their applications along with supporting reasons, by three months from date.

The order under appeal does not call for any interference. The appeal being M.A.T. 341 of 2022 and the connected IA No: C.A.N. 2 of 2022 are accordingly dismissed.

Let urgent photostat certified copies of this order, if applied for, be supplied to learned Advocates for the parties, upon compliance with all necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)