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08.04.2022
TN

WPA No. 5454 of 2022

Sri Rakesh Diasi
Vs.
The State of West Bengal and others

Mr. Balai Lal Sahoo,
Mr. Kaustav Mishra,
Ms. Jamuna Saha

.... for the petitioner

Mr. Manas Kundu,
Mr. Debabrata Mondal

.... for the State

Mr. P.K. Roy,
Mr. Biplob Das,
Mr. Ankit Sureka

.... for the respondent nos.2 and 3

Mr. Uttam Kumar Bhattacharyya

.... for the respondent no.6

Affidavit-of-service filed in court today be kept
on record.

Learned Advocate appearing for the petitioner
rightly contends that despite the petitioner's name
appearing as the first name in the waiting list of the
Scheduled Caste (SC) candidates for an appointment
to Grade-III of the respondent-Cooperative Bank, that
is, the Vidyasagar Central Co-operative Bank Ltd.,

and in spite of one of the five original appointees, also pertaining to the SC category, having already tendered resignation, the Society is not taking any steps for appointing the petitioner in the said vacancy.

It is further submitted that, upon applying for information under the RTI Act, the petitioner has been informed in writing that the resignation of the said candidate has already been accepted.

Learned counsel for the respondent-Bank submits that due to certain reasons beyond the control of the Bank, no steps could be taken in the meantime for such appointment. However, in principle, there does not appear to be any controversy with regard to the position that the petitioner is the first candidate of the waiting list and the validity of the panel still subsists.

In such view of the matter, there cannot be any conceivable reason why the Vidyasagar Central Co-operative Bank Ltd. should not consider the petitioner for appointment in the vacant post as indicated above.

It is also evident from the third agenda of the extract of the proceedings of the Administrative Sub-Committee Meeting dated January 9, 2019, as annexed at page-46 of the writ petition, that the House unanimously decided that the final list in connection with the direct recruitment vide

Notification No.PD/1153 dated 26/11/2018 would be valid up to next one (01) year and any post, if vacant in due time, would be filled up from the waiting list of the panel.

In such view of the matter, WPA No.5454 of 2022 is allowed, thereby directing the respondent no.6, the Chairman, Vidyasagar Central Co-operative Bank Ltd., to take steps as expeditiously as possible, preferably within a fortnight from date, for granting appointment to the petitioner in the vacant post, out of the five candidates of the final list initially published for recruitment to the Grade-III category under the SC category.

The parties shall act on the written communication of the learned Advocate for the petitioner without insisting upon prior production of a certified copy of this order.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)