

09.11.2022
Sl. No.54(ML)
srm

W.P.A. No. 6453 of 2018
Smt. Mamata Mondal & Ors.
Versus
The State of West Bengal & ors.

Mr. Subhas Chandra Atha,
Ms. Payel Paramanik

....for the Petitioners.

Mr. Tapan Kumar Mukherjee,
Mr. Somnath Naskar

...for the State-respondents.

The petitioners appeared at a selections process initiated by the Child Development Project Officer, Indpur ICDS Project, Bankura. The advertisement was published on November 20, 2009 vide Memo No.330/ICDS/Ind. According to the petitioners, they had performed well in the recruitment process but no appointment was given. In 2017, a fresh recruitment process was initiated by the authority. Challenging the same, this writ petition has been filed. A co-ordinate Bench had directed the State-respondents to file a report in the form of an affidavit. Such report was filed by the Child Development Project Officer, Indpur ICDS Project, Bankura. It appears that after completion of the interview of the earlier selection process the compilation sheet was placed before the Block Level

Selection Committee for approval and preparation of the panel, but the compilation sheet was not signed by the committee and no panel was prepared. As a result, no appointment letter was issued.

It appears from the report that the earlier selection process was abandoned and a new selection process was initiated. A new recruitment committee was also formed as per law. The advertisement in 2017 was issued after the new recruitment committee had been formed and the District Level Selection Committee presided over by the Chairman had passed a resolution to fill up 24 vacancies of Anganwadi Helpers. The advertisement was published on September 20, 2017 and such advertisement was for recruitment of 24 Anganwadi Helpers. It appears that earlier vacancy position was not disturbed.

The petitioners contend that if the earlier vacancies are still intact, in that event, the petitioners had acquired a right to be considered for appointment against the earlier vacancies. It appears that Madhuri Bauri, Mamata Pramanick (Mardyana) and Niyati Hembram, who are the petitioner Nos.8, 6 and 4 respectively, appeared at the selection process of 2017. Whereas, Mamata Mondal, Tumpa Barui, Laxmirani Sardar and Panmani Hansda, i.e., petitioner Nos.1, 2, 3 and 7 respectively, did not apply

pursuant to the 2017 advertisement. The committee also decided that the earlier recruitment would be taken into account after the completion of 2017 recruitment process. It is not clear from the report what happened to the earlier vacancies.

The authorities have a right to cancel a recruitment process and/or not give effect to the same for genuine reasons. Those petitioners, who had appeared in the 2017 selection process, do not have any right to pursue this writ petition. However, the other petitioners, who appeared in the recruitment process of 2009 but were not informed about the fate of the recruitment process, have a right to know what actually happened and whether the authorities concerned decided to cancel the process because of the defect pointed out in the report.

It is true that a candidate who appears at a recruitment process does not have a vested right to be appointed. It is also true that the appointing authority need not reach a recruitment process to its logical conclusion for the correct reasons. However, the report is not clear as to whether the earlier process had been cancelled/superseded or done away with. It is also not clear whether the 2017 advertisement was issued by taking into account all the existing vacancies which had been notified earlier and had

subsequently arisen or only whether a few of the vacancies which had subsequently arisen had been considered in the recruitment process of 2017.

This Court, thus, does not find any reason to keep the writ petition pending but disposes of the same with a direction upon the Child Development Project Officer, Indpur ICDS Project, Bankura to treat the writ petition as a representation of the petitioners who did not apply in the 2017 selection process. A reasoned order shall be passed upon granting an opportunity of hearing. The fate of the earlier recruitment process where those petitioners had appeared and the decision taken by the authority shall be intimated by the reasoned order.

It is made clear that in the event the existing vacancies survive and a recruitment process is once again initiated, the petitioners shall be at liberty to apply along with all eligible candidates, provided that they meet the eligibility criteria.

The entire exercise shall be completed within a period of four weeks from the date of communication of this order. The merits of the issues have not been gone into

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of
this order.

(Shampa Sarkar, J.)