

**06.07.
2022**

Ct. No. 04

Ab

WP.ST 56 of 2022

Bablu Mondal

Vs.

The State of West Bengal and others.

**Mr. Asok Nath Ghosh,
Mr. Kaushik Choudhury,
Ms. Busra Khatun.**

... for the petitioner.

**Mr. Tapan Kumar Mukherjee,
Ms. Tuli Sinha.**

... for the State.

An unsuccessful candidate in a selection process initiated for recruitment of Group-D post approached the Tribunal challenging the action of the authorities in not considering his candidature for non-submission of the OBC-A certificate at the time of interview.

The petitioner offered his candidature in such category and was emerged successful in the written examination. The interview call letter would reveal that at the time of interview to be held on 23rd November 2017, the candidates, who offered their candidature in a specified category including OBC-A category, must produce the certificate issued by the competent authority not preceding one year therefrom and if they possess the certificate beyond the said stipulated time, they shall produce the revalidate certificate.

According to the petitioner, there was no stipulation in the advertisement that the person applying the aforesaid category must produce the certificate issued within one year from the date of the interview, but the same has been imposed in the interview call letter, which is impermissible.

We find that the petitioner was aware that the

certificate is required to be produced and having not produced in support of his claim, such candidature cannot be considered in such category but under the general category. It is inconceivable that the person, who claimed that he belongs to OBC-A category, would accept his candidature to be considered on his voluntarily disclosure without production of the certificate issued by the competent authority.

At the time of moving the instant writ petition, we permitted the petitioner to produce the certificate issued by the competent authority in terms of the aforesaid condition incorporated in the interview call letter. The supplementary affidavit filed today containing the certificate appeared to have been issued on 3rd September 2019 much after the date of publication of the result.

The Tribunal application was dismissed solely on the ground that the petitioner was unable to produce the certificate and it also appears from the stand that the petitioner has not been able to produce the certificate in terms of the condition incorporated in the interview call letter. The position would have been different when such condition is imposed without giving a reasonable time to secure the revalidate certificate, but it appears from the stand of the authorities that there was a gap of nearly nine months between the date of interview and the publication of the final result and several opportunities were given to the participants to submit such document so that their candidatures may be considered in a particular category.

The period of nine month cannot be said to be irrational and unreasonable and, therefore, the petitioner has an ample opportunity to get the certificate revalidated during such period and having not done so, we do not find any infirmity and/or illegality on the part of the authorities in not treating the petitioner belonging

to OBC-A category. Since the petitioner did not acquire the requisite marks for consideration of his candidature under the general category, the prayer for appointment has been rightly rejected by the Tribunal.

The writ petition sans merit and the same is hereby dismissed.

There shall, however, no order as to costs.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)