

5.
14-03-2022
debajyoti
(Ct. no.06)

FMA 913 of 2021
with
IA NO:CAN/1/2021

Snehasis Barua
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahammed,
Mr. Arka Maiti

... For the Appellant.

Mr. Raja Saha,
Mr. Biswabrata Basu Mallick,
Mr. Amit Kumar Ghosh

... For the State.

Mr. Shyama Prasad Purkait,
Ms. Moumita Mondal

... For Respondent Nos.3 & 4.

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

In view of the stand taken by the Municipality, there is, possibly, nothing left for adjudication in this appeal. However, we feel it necessary to narrate the backdrop of the case in short.

The appellant belongs to the Scheduled Tribe community. He had applied for the post of Mazdoor under Diamond Harbour Municipality and he was the sole candidate for the post in question.

He secured 25 marks in written test and 3 marks in the interview. In spite of being the only prospective candidate for the post in question, the name of the appellant was not forwarded to the Director of Local Bodies for his appointment on the ground that he was unsuccessful in the test.

It is the case of the appellant before us that there was no cut-off marks prescribed for the selection

in question and nothing was notified in the advertisement with regard to the cut-off marks. Therefore, the action of the Municipality in not forwarding the name of the appellant for his appointment to the post in question is illegal.

When the matter is taken up for hearing before us, Mr. Shyama Prasad Purkait, learned advocate, on instructions, fairly submits that one post of Mazdoor is still lying vacant in the said Municipality and the Municipality is willing to appoint the appellant to the said post.

In that view of the matter, this appeal is disposed of with a direction upon the Diamond Harbour Municipality to forward the name of the appellant to the Director of Local Bodies within a period of four weeks from date. On receiving the name from the Diamond Harbour Municipality, if the Director of Local Bodies finds that the appellant is otherwise suitable for the post in question, it will approve the appointment of the appellant within a period of two weeks.

FMA 913 of 2021 and I.A. No. CAN 1 of 2021 are, accordingly, allowed.

The order under appeal is set aside.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)