

09.09.2022
Court No.25
Item No.79
Aloke Dutta

W.P.A 9588 of 2018

Malay Kumar Bera
vs.
The State of West Bengal & Ors.

Mr. Shaunak Ghosh
Mr. Manasaram Mandal
.... For the petitioner

Mr. Santanu Mitra,
Mr. Mirza Kamruddin
... For the State

Mr. Balai Lal Sahu,
Mr. Kaustavv Mishra
.... For the respondent no.8

Mr. Uttam Kumar Bhattacharyya
... For the respondent no.9

The petitioner has prayed for excluding the candidature of respondent no.8 from the exempted category for employment as Lower Division Assistant under Purba Medinipur Zilla Parishad and to recast the panel of the said post.

Learned advocate appearing for the petitioner contends that the respondent no.8 having admitted the fact that pursuant to the name of the respondent no.8 being sponsored by the Director of Employment to the District Level Selection Committee, 24-Parganas (South), the petitioner participated in the interview and was ultimately selected as a Gram Panchayat Karmee in Ramgarh Gram Panchayat in the District of 24-Parganas (South), he could not

have been considered for appointment as an exempted category candidate for appointment in the post of Lower Division Assistant under the Zilla Parishad. He draws the attention of the Court to page 24 of the writ petition which is a part of the Employment Exchange Card wherefrom it appears that holder of such Card is required to return the same once he has secured an employment.

Mr. Sahu, learned advocate, appearing for the private respondent no.8 submits that the said respondent applied for the post of Lower Division Assistant under the Purba Medinipur Zilla Parishad through online process on December 07, 2016 which is much prior to the date of the selection of the respondent no.8 as Panchayat Karmee. He thus submits that the said appointment cannot be said to be on the basis of sponsorship by the Employment Exchange after he was appointed as a Panchayat Karmee.

Learned advocate appearing for the Zilla Parishad submits that the respondent no.8 applied through online process and after the petitioner was declared successful in the written test and the interview, was ultimately selected for the post of Lower Division Assistant and he is still serving in the said post. The report filed by the Zilla Parishad is taken on record.

Mr. Mitra, learned advocate, appearing for the State submits that the petitioner has not mentioned the registration number of the private respondent no.8 and as such, it is not possible for the exempted category cell to identify the candidate until and unless the registration number of such candidate is furnished by the petitioner.

Heard the learned advocates for the parties and perused the materials on record.

It appears from the report that the respondent no.8 applied for the post of Lower Division Assistant some times in 2016 through online mode and pursuant thereto he was called for appearing in the written test and being successful therein was called for the interview. The respondent no.8 was placed in the 2nd position and the writ petitioner was placed in the third position in the panel. The notification was issued by the Purba Medinipur Zilla Parishad for recruitment to the post of LDA on 07.12.2016. The application made by the respondent No.8 for the post of LDA, participation in the written test on 12.02.2017 were before the date of joining in the post of Panchayat Karmee. The said respondent was ultimately selected and was given appointment in the post of Lower Division Assistant.

Since the process of recruitment of Lower Division Assistant was initiated prior to the

appointment of the respondent no.8 in the post of Panchayat Karmee, the appointment of the said respondent No.8 as a Panchayat Karmee cannot disentitle him or her to be appointed as a Lower Division Assistant. Furthermore, LDA is a Group C post and the Panchayat Karmee is a Group D post and the said selection process was, as observed hereinbefore, was initiated long prior to the date of appointment of the respondent no.8 in the post of Panchayat Karmee.

For the reasons aforesaid, this Court does not find any reason to allow the prayer of the writ petitioner for excluding the candidature of respondent no.8 as an exempted category candidate for appointment to the post of Lower Division Assistant under the Purba Medinipur Zilla Parishad.

With the above observations the instant writ petition being WPA 9588 of 2018 stands disposed of. There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)