

07.03.2022
Item No.16
srm

W.P.A. No. 10129 of 2019

Rajarshi Bhattacharyya

Versus

The State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri,
Mr. Sariful Islam Mallick

...for the Petitioner.

Mr. Tapan Kumar Mukherjee,
Mr. Ranjan Saha

...for the State-respondents.

Affidavit of service is taken on record.

The petitioner submits that the petitioner appeared at a selection process for appointment to the post of Samiti Education Officer, in the district of Burdwan pursuant to an advertisement published by the District Magistrate, Burdwan and Chairman, District Level Selection Committee dated December 3, 2013. The petitioner submits that the recruitment process was ultimately concluded by appointment of the successful empanelled candidates sometime in 2018, as per the vacancy. The petitioner claims that out of six unreserved posts, four or five posts still remain vacant. The petitioner further submits that the petitioner has a right to be considered for appointment against such vacancies. The petitioner refers to a prayer

made before the authorities dated May 29, 2019 for consideration of his case.

Admittedly, the petitioner was an unsuccessful candidate. His name did not appear in the merit list. The petitioner obtained 55.4 marks whereas, the last empanelled candidate obtained 67.1 marks. Against the six unreserved vacancies, only one person joined the post. The petitioner is not among the waitlisted candidates. The right of the petitioner to be pushed up against the existing vacancy is not established as the petitioner was neither empanelled in the merit list nor was he waitlisted. The said panel was prepared in June, 2018. The rules for recruitment to the said post of Samiti Education Officer, also do not indicate whether there are provisions for keeping the panel alive even after four years. There are other candidates in the merit list, who had secured higher marks than the petitioner. Those candidates would have had a better claim than the petitioner, in case a decision was taken to fill up the vacant posts by the authorities.

It is submitted by the state respondents that the authority had not taken any decision with regard to filling up the resultant vacancies on account of non-joining of the selected candidates. It is further submitted that the petitioner was not even within the zone of consideration.

In any event, when the petitioner was neither an empanelled candidate nor a waitlisted candidate, the petitioner does not have any right to be considered against the vacant posts. He is an unsuccessful candidate.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)