

Item No. 66

16.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13573 of 2022
Sri Biswajit Mondal

-vs.-

The State of West Bengal & Ors.

Mr. Gopal Chandra Ghosh
Mr. Rajkrishna Mondal
...For the Petitioner.

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
... for the State respondents.

Mr. Shyama Prasad Purkait
Ms. Moumita Mondal
... for the respondent nos. 3 & 4.
Vakalatnama filing no. A-12929.

The petitioner participated in the recruitment process conducted by the Diamond Harbour Municipality for filling up the post of Mazdoor. Application was invited by the Municipality by the advertisement dated December 13, 2016.

The petitioner submits that he applied for being appointed in the OBC-B category. The petitioner contends that even though he scored more marks in the recruitment examination and his name was empanelled for giving appointment, the Municipality appointed a candidate who scored less marks than the petitioner.

It has been submitted that necessary information in connection with the recruitment process was sought for under the Right to Information Act in the year 2017 but no reply was given to the same.

A supplementary affidavit has been filed in Court wherein a panel for recruitment allegedly prepared by the Municipality has been annexed. The petitioner refers to the said panel and submits that his name was empanelled in serial twelve under the category unreserved (Meritorious Sports Person). One Krishnadas Pramanik who scored less marks than the petitioner has been empanelled in the OBC-B category and appointment was given to him.

The petitioner has lately come to learn that the said Krishnadas Pramanik has resigned from the post and the post has become vacant. The petitioner prays for a direction upon the Municipality to appoint him in the vacant post.

Learned advocate for the Municipality is not aware whether or not the empanelled candidate has resigned from the post.

From the documents annexed to the writ petition it appears that a call letter for written test and interview was issued to the petitioner in the year 2017. The petitioner being unaware of the fate of his candidature applied before the Municipality to obtain certain information in September 2017. Even though no information was forwarded to the petitioner, the petitioner chose not to challenge the inaction on the part of the Information Officer. He practically accepted his failure in the recruitment process.

The petitioner in July 2022 filed the present writ petition claiming that the post has fallen vacant and he may be appointed in the said vacancy.

The panel in question from which the petitioner seeks appointment expired long back. The petitioner did not challenge the appointment of any candidate who, according to the petitioner, scored less marks than him. At such a delayed point of time the petitioner cannot be heard to make a prayer before this Court to pass direction upon the Municipality to recruit him in the vacancy which allegedly arose very lately, relying on a panel which expired long back.

Any vacancy which arose subsequent to the expiry of the panel cannot be filled up from the panel which lost its force. The same is to be filled up by holding fresh recruitment process.

There is hardly any scope for entertaining the prayer of the petitioner at this stage.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)