

S/L 10
3.11.2022
Court. No. 19
sn

W.P.A.16322 of 2021

Md. Helal Sk. & Anr.
VS
The State of West Bengal & Ors.

Ms. Sabnam Sultana

... for the Petitioners

Ms. Sipra Mazumder

Mr. Kapil Guha

..for the State

This writ petition has been filed for a mandamus upon the State respondents to publish the result of the written examination held sometime in 2018. The petitioners appeared at the test seeking appointments to the post of Nirman Sahayaks.

On the last occasion, when the matter was moved before this Court, the learned advocate for the State respondents submitted that the recruitment process was still alive.

This Court had directed the respondents to take necessary instructions.

It appears that the District Magistrate & Collector, Murshidabad had written a letter dated April 18, 2022 to the Additional Chief Secretary to the Government of West Bengal, Department of Panchayat & Rural Development, seeking necessary instructions as to what steps may be taken in respect of the alleged recruitment process in view of the fact

that the score sheets, OMR sheets along with necessary documents were missing.

It appears that the recruitment process was initiated vide Notification No. 1983/P&RD dated September 21, 2017. Necessary permission had been accorded for such recruitment by the government. The written examination was held on July 22, 2018. By a notification, an embargo was imposed by the State. All statutory bodies and local bodies were directed not to take any steps with regard to any selection procedure.

Thereafter such embargo was lifted and the Panchayat & Rural Development Department accorded permission for filling up 159 vacancies in different posts under the Panchayat & Rural Development Department, District Murshidabad vide memo no. 7115/PN/0/III/2A-66/2018 dated December 20, 2021. Meanwhile, due to outbreak of Covid-19, there were disruptions and disturbances in the office where the OMR sheets of the written test had been kept and they could not be located. The members of the District Level Selection Committee and the Chairman also changed. It appears that no one is aware of the whereabouts of such OMR sheets.

The District Magistrate is of the opinion that selection process should be held de novo and as such he had sought clarification/permission from the Additional Chief Secretary to the Government of West

Bengal, Department of Panchayat and Rural Development.

Under such circumstances, no order can be passed in this writ petition.

Admittedly, the State government had accorded permission for filling up 159 vacancies in different posts of the Panchayat & Rural Development under Murhidabad District. There is no doubt that there are requirements in the offices for such appointments. The candidates had applied pursuant to the notification bearing No.1834/PXRD dated 21/9/17.

The District Magistrate is also of the opinion that when the records of the earlier tests have been lost, a fresh recruitment process should be initiated again upon cancellation of the earlier. In this regard, necessary clarification /permission has been sought for from the government.

The writ petition is disposed of with a direction upon Additional Chief Secretary to the Government of West Bengal, Department of Panchayat & Rural Development to take necessary steps and an informed decision as per law, and communicate the same to the District Magistrate.

The records of the selection process have disappeared, thereby leaving the aspiring candidates stranded and they have been suffering from unnecessary anxiety.

The decision should be taken within a period of six weeks from the date of communication of this order. Such decision shall be communicated to the District Magistrate & Collector, Murshidabad and the District Magistrate & Collector, Murshidabad shall intimate the decision that shall be taken to all the Block offices in the District of Murshidabad. The official websites of different block offices and gram panchayats in respect of which the recruitment process had been undertaken, must upload the decision.

It is made clear that if the authorities decide to initiate fresh recruitment upon cancellation of the earlier, in that event, the candidates who had already participated along with other eligible candidates shall be entitled to participate. If those candidates who had participated in the earlier process cross the age limit in the meantime, he/she shall be allowed to participate, upon condonation of the over age as the authorities are to be blamed for the delay.

This order shall not be construed as an observation of this Court on the entitlement of the petitioners for appointment. Such observation is restricted to the issue that once the recruitment process had started, the fate of such recruitment process should be intimated to the participants.

This writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)