

S/L 12
3.11.2022
Court. No. 19
sn

W.P.A.16339 of 2021

Ramesh Mondal & Ors.
VS
The State of West Bengal & Ors.

Ms. Sabnam Sultana

... for the Petitioners

Mr. Biswabrata Basu Mallick

Mr. Sayan Ganguly

..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 applied for appointment to the post of 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 on the latest position.

The District Magistrate & Collector, Murshidabad by a letter dated April 18, 2022 addressed to the Additional Chief Secretary to the Government of West Bengal, Department of Panchayat & Rural Development, sought for necessary instructions as to what steps may be taken in respect of the alleged recruitment process in view of the fact that the score sheet which had been prepared

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 process. 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 tests had been kept. The members of the District Level Selection Committee and the Chairman had 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 denovo and as such sought clarification/permission from the Additional Chief Secretary to the Government of West Bengal, Department of Panchayat and Rural Development, has been sought.

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 appointment /engagement of persons.

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 by cancelling the earlier process. 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 a decision and also to adopt remedial measures as the law permits.

The peculiar situation is that the records of a selection process disappeared leaving the aspiring candidates in a state of anxiety and uncertainty.

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 to all the Block offices in the District of Murshidabad. Such decision shall be uploaded in the official websites of the different offices in respect of which the recruitment process had been undertaken once before.

It is made clear that if the authorities decide to start fresh recruitment by cancelling the earlier one, in that event, the candidates who had already participated and other candidates shall be entitled to participate. If any candidate who had participated earlier crosses the age limit in the meantime, he/she shall be allowed to apply afresh. The delay is not their fault. The over age shall be condoned.

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 have been 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.)