

03      22.7.2022  
Sc      Ct. no.22

**WPA 13322 OF 2010**

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Dipak Kumar Sengupta  
Vs.

The State of West Bengal & Ors.

Mr. Subrata Bhattacharjya

... For the Petitioner

Mr. Sambhunath De

... For the Respondent  
No.7

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Sambhunath De, learned counsel represents the respondent no.7.

None appears for the other respondents, nor any accommodation has been sought for despite notice dated July 7, 2022.

The petitioner was an intending candidate in the selection process of 'Data Entry Operator' in Sahebganj-II Gram Panchayat, Village – Orgram. The grievance of the writ petitioner was – there was a serious irregularity in the selection process which deprived the petitioner for being selected as a Data Entry Operator as a B.P.L. (Below Poverty Level) candidate.

A writ petition, W.P. 13279 (W) of 2009 was filed by the petitioner when a coordinate Bench by its order dated October 23, 2009 directed the relevant authority to consider the case of the petitioner.

Pursuant to the said direction of the coordinate Bench, by an order dated December 21, 2009, the relevant authority considered the case of the petitioner and passed a reasoned order, which is impugned in the instant writ petition.

From the said impugned order dated December 21, 2009 it appears that the relevant authority declared that the notice of appointment/engagement issued by the concerned Pradhan regarding appointment of Data Entry Operator was null and void as there was no legal basis of such appointment or engagement.

The petitioner contends that the respondent no.7 is still working as a Data Entry Operator who received employment under the said selection process which had already been declared by the relevant authority as null and void. Hence, the appointment of the respondent no.7 should be cancelled forthwith.

On a perusal of the said order dated December 21, 2009 passed by the District Nodal Officer, it appears to this Court that the same suffers from no infirmity either procedural or legal.

From a close scrutiny of the averments made in the writ petition it appears that the said order was not challenged in the writ petition on its merit neither the petitioner had questioned the decision making process of the District Nodal Officer who passed the said order.

Once the selection process had been declared as null and void, it is for the relevant Panchayat authority to take steps as to declare any appointment took place pursuant to such selection process, as cancelled. The petitioner has no legal right to claim for the same before a writ court.

The writ court in exercising its jurisdiction in judicial review has a limited authority to assess the impugned order passed by the nodal authority. Such court will only examine the decision making process of the nodal authority who passed the said impugned order and not beyond that.

As discussed above, this Court finds no infirmity in the said impugned order passed by the nodal officer.

In view of the foregoing discussion, the writ petition being WPA 13322 of 2010 stands dismissed.

There shall, however, be no order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

**(Aniruddha Roy, J.)**