

13.7.2022
Court No. 19
Item no.1
sn

WPA No. 19303 of 2021

Subhajit Mondal

Vs.

The State of West Bengal & ors.

Mr. Pabitra Charan Bhattacharya

....for the petitioner

Mr. Srijan Nayak

Ms. Rituparna Maitra ..for the State

Mr. Pradip Kumar Roy

Mr. Joydeep Roy ..for the ARCS

Mr. Nayak, learned advocate for the State respondents has produced a report prepared by the Special Officer, Banior Samabay Krishi Unnayan Samity Limited dated July 11, 2022 addressed to the Assistant Registrar of Co-operative Societies, Cooperation Directorate, Birbhum range. The report is taken on record.

As per the report, it appears that the appointment letter, which was issued to the petitioner, was followed by another letter dated January 31, 2020, asking the petitioner not to join the post of 'Cashier-Cum-Computer Operator' of the said Society.

From the report, it appears that the selection of the petitioner, who attained the first position, was not acted upon, as the recruitment process was

found to be faulty for various reasons. One such reason being, that a relative of the petitioner was in the selection committee.

It appears that an enquiry was also made by the Inspector-in-Charge, Nalhati Block-I. Irregularities were pointed out in the said enquiry report. However, the enquiry report is not conclusive as to whether the authorities were of the confirmed opinion about the illegality in the process of appointment of the petitioner. The Assistant Registrar of Co-operative Societies had been directed to act on the basis thereof.

The report indicates that steps have been taken for issuance of fresh advertisement, meaning thereby, that the authorities had decided to set aside the entire process, but no formal order was passed.

Mr. Bhattacharya, learned advocate for the petitioner submits that although there is a decision in the report to start a fresh selection process, yet, the selection of the petitioner has neither been cancelled nor set aside. No communication to that effect has reached the petitioner.

This Court finds that the authorities themselves are confused about the entire process that had been adopted.

The enquiry report ought to have mentioned the illegalities in detail and the fate of appointment of the petitioner, ought to have been decided.

Under such circumstances, this writ petition is disposed of with a direction upon the Registrar of Co-operative Societies, West Bengal, to personally enquire into the matter and come to a conclusion on the issues which have been alleged by the writ petitioner. The Assistant Registrar of Co-operative Societies, Birbhum Range and Inspector of Co-operative Societies, Nalhati-1 Development Block, shall assist in such enquiry. The persons involved in the selection process, including the petitioner, must be heard. Whether the recruitment process was initiated and conducted in accordance with law or not and whether the petitioner's relative was a member of the selection committee, must be looked into.

A reasoned order shall be passed and communicated to all, including the petitioner.

The entire exercise shall be completed within a period of four weeks from the date of communication of this order.

This writ petition is disposed of.

There will be, however, 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.)