

04.01.2022
Item No. 14
Crt.No.11
b.r.

MAT 1323 of 2021
with
IA No. CAN 1 of 2021
Amit Kumar Hawladar
-vs-
Union of India & Ors.
(Via video conference)

Mr. Arjun Mookerjee
Mr. Probal Sarkar
..... for the appellant.

Mr. Debasish Chattopadhyay
..... for the Union of India.

This is an appeal against the order passed by the Hon'ble Single Bench in WPA 6859(W) of 2021 dated 29th of November, 2021.

The appellant had participated in the recruitment process for the post of Sub-Inspector (Executive) reserved for the schedule caste candidates in the Railway Protection Force, South Eastern Railway in terms of the Notice Bearing No. 02/11. The appellant had appeared in the Physical Efficiency Test on 20th November, 2012 and claims to be qualified in the said test. It is submitted that after the Physical Efficiency Test, no call letter was given to the appellant for attending interview and the appellant was waited for his call letter.

As the appellant has not received any call letter from the authority for interview, on 27.01.2021 the appellant had made an application under the Right to Information Act to ascertain with regard to the result of the test in which the appellant has appeared. The Public

Information Officer has supplied information to the appellant on 22.2.2021 informing that as per available record, the name of the appellant could not find place in the list of qualified candidates.

Thereafter, the appellant has filed a writ application before the Hon'ble Single Bench. The writ petition was taken up for hearing and after considering all the facts and circumstances, the Hon'ble Single Judge had dismissed the writ petition on the ground of devoid of merits.

It is found from the record that the authorities have issued employment notice in the year 2011 and on 20th November, 2012 Physical Efficiency Test was conducted and the authorities have continued with the recruitment process. On completion of recruitment process, on 23rd of March, 2013 all the posts have been filled up.

It was submitted on behalf of the Railway/Respondents that the appellant was not found fit in the medical fitness and accordingly the appellant was not called for further recruitment process. It was further submitted by the Railway/Respondents that all together 69 posts of schedule caste candidates were filled up in the said recruitment process.

The appellant was found not fit in the medical test and accordingly the Railway/Respondents have not called for the appellant for further process. The appellant was slept over the matter since 2013 till 2021 and all of a

sudden the petitioner has started making correspondence by filing an application under Right to Information Act. By that time, the respondents have already filled up the said post.

The Ld. Single Judge rightly held that the claim made by the appellant in the writ application after the lapse of more than 8 years can not be granted since situation has changed after the interview was held.

This Court finds that the learned Single Judge has not committed any error by dismissing the writ application and thus the order passed in WPA 6859 of 2021 dated 29th of November, 2021 does not required any interference.

Accordingly, **MAT 1323 of 2021** along with **IA No. CAN 1 of 2021** stand **dismissed**.

Affidavit-of-Service filed in Court today be retained with the record.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)