

WPA 20013 of 2022

Rashmi Sharma
-Vs-
Union of India & Ors.

Mr. Mit Guha Roy

... for the petitioner

Mr. Shamit Sanyal

Ms. Manika Roy ... for the respondent nos. 2, 3 and 4

Mr. Sushil Kr. Mishra

... for the Union of India

The grievance of the petitioner in the writ petitioner is that she was awarded mark Zero (0) as against the “*Education Qualification*” and “*Attempt Certificate*” and such award of mark was arbitrary and illegal.

A report by way of an Affidavit was directed to be filed by this Court by an order dated September 14, 2022.

From the perusal of the said report and the documents annexed thereto, it appears that a declaration was given by the petitioner with regard to the fact that she had completed her MBBS examination from the China Medical University in the first attempt. Furthermore, she has completed her internship from China and the same is valid in India.

Mr. Guha Roy, Learned Counsel appearing on behalf of the petitioner, submits that when the

petitioner was called for an interview on July 26, 2021 she submitted an undertaking that she completed her MBBS degree in the first attempt. The “*Attempt Certificate*” from China Medical University was handed over in March, 2022 i.e. within a period of one year from the date of the interview.

The attention of this Court is drawn to the policy for Decentralised Recruitment of Medical Executives of Coal India Limited (CIL) at the subsidiary level. Clause 7.2.(12) of the said policy stipulates that the merit panel would remain valid for a period of one year from the date of approval and, if required, it can be operated beyond one year with the specific approval of the appointing authority.

Therefore, there was no reason to reject the candidature of the petitioner to the post of Medical Officer (*E3 Grade*).

Mr. Sanyal, Learned Counsel, appearing on behalf of the respondent authorities, submits that during the course of the interview, the petitioner was not able to submit the ‘*Attempt Certificate*’ and therefore she was awarded ‘0’ in that column.

Furthermore, in the writ petition, the petitioner has claimed for cancellation and/or setting aside of the entire recruitment process of all the candidates who have been approved of by the CIL by a notification dated April 10, 2021.

Having heard the rival submissions of the parties and considering the materials placed, this Court is of the view that the representation of the petitioner dated 12th of July, 2022 should be considered by the Respondent No.4/the CMD, Bharat Coking Coal Limited afresh in view of the fact that no *Attempt Certificate* was handed over by her albeit after the interview and as per Clause 7.2(12) of the recruitment policy which stipulates that the panel is to be valid for a period of one year since the date of approval.

The fact that the Deputy General Manager has requested the General Manager, BCCL on July 20, 2022 to examine the representation of the petitioner and do the needful is also to be kept in mind while disposing of the representation of the petitioner upon giving the petitioner an opportunity of hearing within eight weeks from the date of this order. Such representation will be disposed of upon passing a reasoned order and the same shall be communicated within two weeks of passing thereof.

With the aforesaid directions, **WPA 20013 of 2022 is disposed of** accordingly.

However, it is made clear that this order is passed in the peculiar facts and circumstances of the case and will not create any precedence.

All parties to act on a server copy of this order duly

obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Lapita Banerji, J.)