

21.11.2022

WPA 22197 of 2022

Agniva Saha
-Vs-
State of West Bengal & Ors.

Mr. Satadal Chatterjee
Mr. Nemai Chandra Betal
Mr. Suresh Kumar Sahoo
... for the petitioner

Mr. Koyeli Bhattacharyya
... for the WBMSC
Mr. Sanjay Saha
... for the respondent nos. 2 to 5

The petitioner applied for the post of District Manager (equivalent to post of Assistant General Manager) pursuant to an advertisement no. 16 of 2020 issued by the West Bengal Municipal Service Commission. The petitioner was selected and duly qualified in the medical examination for physical fitness.

Furthermore, the police verification report was also in favour of the petitioner. Despite the documents being in favour of the petitioner, the petitioner did not receive his letter of appointment.

A representation dated 29th July, 2022 was made before the Managing Director of the West Bengal Essential Commodities Supply Corporation (for short, WBECSCL) Ltd/the respondent no.3.

The said representation of the petitioner was replied by the respondent no.3 *vide* Office Memo

dated August 22, 2022.

From the said Office Memo (*supra*), it appears that certain clarifications were required in respect of “*anomalies*” regarding the testimonials of the petitioner.

Mr. Chatterjee, Learned Counsel, appearing on behalf of the petitioner, submits that there was no “*anomalies*” in the testimonials submitted by the petitioner. He taught more than three years the course of business management and therefore, was qualified in terms of the eligibility criterion noted in the advertisement no. 16 of 2020.

He submits that after consideration of all the testimonials he was selected and therefore, there was no justifiable reason for reconsideration of his testimonials.

Therefore, there was no valid reason at all for not granting him the letter of appointment.

Ms. Bhattacharya, Learned Counsel, appearing of the respondent No.6, submits that a clarification has been sought for by the respondent/Secretary, West Bengal Municipal Service Commission on May 18, 2022. The clarification that was required to be sought was on the issue whether three years working experience in a managerial level would include teaching as an Assistant Professor of the Department of Management. It was requested to be clarified

whether teaching experience in “Management School/College” qualifies as “Working Experience in Managerial Level” or not.

She submits that the said eligibility criterion was a requirement of WBECS Ltd and the respondent no.6 was not the authority concerned, who could clarify such clause in the advertisement that was issued by WBECS Ltd.

Mr. Saha, Learned Counsel for the respondent nos. 2 to 5, submits that the issue raised by their Office Order dated May 18, 2022 will be clarified by the officer concerned of WBECS Ltd.

He submits that the authority concerned will give a personal hearing to the petitioner before clarifying the said issue.

Having considered the rival submissions of the parties and the materials on record, this Court directs the respondent no.4/the General Manager, WBECS Ltd to consider the representation dated 29th of July, 2022 within a period of four weeks from date upon giving a personal hearing to the petitioner. The reasoned order to be passed is to be communicated to the petitioner within one week of passing thereof.

The Written Instruction submitted by Ms. Bhattacharyya, in Court today be retained with the record.

Since no affidavits are directed to be exchanged

in the writ petition, all the allegations contained in the writ petition are deemed not to have been admitted by the parties.

With the aforesaid directions, **WPA 22197 of 2022** is **disposed of**.

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.)