

16.11.2022
Sl. No.11(DL)
srm

W.P.A. No. 22904 of 2022

Sri Apurba Pattanayak

Versus

The State of West Bengal & Ors.

Mr. Saibal Acharyya,
Mr. Pradip Paul,
Mr. Gourab Ghosh

....for the Petitioner.

Mr. Malay Singh,
Ms. Neelam Singh

...for the State-respondents.

Affidavit-of-service is taken on record. The postal article sent to the respondent No. 6 has returned.

The candidature of the respondent No.6 has already been cancelled by the authority. The said respondent No.6 did not attend the hearing, which was sought to be provided to him before his candidature was cancelled. The authorities have already taken a decision to grant appointment to the petitioner subject to fulfilment of other criteria. The writ petition is disposed of in his absence as nothing further remains to be decided by this court.

The petitioner participated in a selection process for appointment to the post of a Group-D staff, reserved for exempted category candidates in the Jhargram Zilla Parishad.

It appears that a panel was prepared and the petitioner was the first waitlisted candidate. The petitioner requested the authority to grant him appointment in place of the selected candidate whose name appeared at serial No.1 in the panel.

The ground for challenge was that the selected candidate at serial No.1 did not belong to the exempted category. Objection to that effect was also made before the competent authority. As the competent authority did not take any steps, the petitioner approached this Court by filing this writ petition.

Mr. Singh, learned Advocate appearing on behalf of the State-respondents, has filed written instructions prepared by the Executive Officer, Jhargram Zilla Parishad & Chairperson, DLSC Jhargram Zilla Parishad dated November 14, 2022. The said authority has indicated that the District Level Selection Committee decided in its meeting held on November 14, 2022 that Dipankar Ghosh, who was at serial No.1 in the panel, was not registered with the Labour Department, Government of West Bengal under the exempted category. Dipankar Ghosh was called for a hearing on September 13, 2022 on this issue by the Member Secretary of the District Level Selection Committee, Jhargram Zilla Parishad. Dipankar Ghosh did

not appear at the meeting to satisfy the authority about his eligibility. Hence his candidature was cancelled as per the decision of the District Level Selection Committee in its meeting dated November 14, 2022. It was decided that the next waitlisted candidate, that is, the petitioner who ranked third and was the first waitlisted candidate, shall be appointed subject to successful completion of other mandatory verifications by the concerned department and after the medical fitness test, PVR, EC certificate verification, etc. The written instruction is taken on record.

Under such circumstances, the grievance of the petitioner, as raised in the writ petition, has been met. The writ petition is disposed of in view of the decision taken by the authority who have already decided to appoint the petitioner..

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)