

S/L 13
10.05.2022
Court. No. 19
GB

WPA 22203 of 2019

Buddhadev Mandal & Ors.
VS
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Ms. Debolina Sarkar,
Mr. Sayan Banerjee.

...for the Petitioners.

Mr. Arjun Ray Mukherjee,
Ms. Debapriya Mitra.

...for the State.

The petitioners are aggrieved by the order dated January 9, 2019 passed by the District Magistrate Malda, cancelling the promotional examination for the post of Sahayak amongst the eligible peons of Panchayat Samitis and eligible gram panchayat karmees of some Gram Panchayats in the district of Malda. The process was initiated by Memo No.58(15)/P dated January 11, 2018. The written examination and all consequential steps taken were also cancelled, due to unavoidable circumstances.

The petitioners allege that the order of cancellation was mala fide, illegal and without any reasons. Such cancellation was not permissible unless it was evident from the records that the process was held either contrary to law or there had been other irregularities and malpractices in the process.

The order was passed sometime in January 2019. More than three years have passed since the order of cancellation of the promotional examination has been issued. The writ petition is pending since long.

This Court has not gone into the merits of the claims and counter-claims of the parties. Admittedly the authorities reserve the right to cancel a recruitment process or any selection process, for valid and bona fide reasons. However, the Court is of the opinion that the persons, who have been affected by the order of cancellation of the promotional examination, have a right to know the reasons for such cancellation.

The petitioners are directed to make a composite representation before the District Magistrate, Malda with their grievances, as agitated in the writ petition. The District Magistrate, Malda will grant a hearing to a representative of the petitioners and pass necessary orders indicating the reasons as to what 'unavoidable circumstance' had prompted the issuance of the order impugned. The said reasoned order shall be communicated to all concerned.

The entire exercise shall be completed within a period of three months from date of communication of this order.

The petitioners shall be at liberty to agitate the issues raised herein, at an appropriate stage.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)