

03 23.2.2022
Sc

W.P.A. 25117 OF 2007

(Via Video Conference)

Subhas Paul

Vs.

The State of West Bengal & Ors.

Mr. Robilal Moitra

Mr. Haridas Das.

.... For the Petitioner

Mr. Naren Ghosh Dastidar.

.... For the State

The writ petition was considered previously when it was found that a coordinate Bench vide order dated 3rd April, 2017 directed the learned advocate representing the respondent authorities to produce records relating to selection of candidate for the post of Gram Panchayat Karmee under Deriachak Gram Panchayat in the district of Purba Medinipur on consideration of the fact that though the petitioner appeared in the selection process as an OBC candidate upon the post being reserved under OBC category, one General candidate was ultimately appointed in the said post of Gram Panchayat Karmee.

This writ petition was heard on several occasions when this Court on consideration of the said order of the coordinate Bench dated 3rd April, 2017 directed the respondent authorities to produce records whereby the list of candidates under OBC category was sent back to the concerned Employment Exchange by the District

Level Selection Committee upon finding that reservation of post for OBC candidate was wrongly made which paved the way for appointment of a candidate under unreserved category.

Mr. Naren Ghosh Dastidar, learned advocate representing the State respondents since expressed his inability to produce the records it led this Court to give direction for personal appearance of the concerned Block Development Officer before this Court and subsequently the District Panchayat & Rural Development Officer, Purba Medinipur to remain present before this Court along with necessary records. Pursuant to such direction passed by this Court today, Mr. Debashis Deb, District Panchayat & Rural Development Officer, Purba Medinipur and Mr. Tapas Kumar Hajra, Block Development Officer, Kolaghat are personally present before this Court today with records which are available in the office of the District Panchayat & Rural Development.

This Court has heard learned advocates representing the petitioner as well as the respondent authorities and perused the records which are produced before this court during the course of hearing relating to selection of Gram Panchayat Karmee under Deriachak Gram Panchayat. It appears from Memorandum dated 23rd November, 2006 issued by the then Block Development Officer, Kolaghat addressed to the District Panchayat & Rural Development Officer, Purba Medinipur

that the post of Gram Panchayat Karmee under Deriachak Gram Panchayat was identified as 19th post and which, according to the concerned authority, was required to be treated as unreserved for General category candidate under 100 Point Roster. The said Memo dated 23rd November, 2006 being no.1980/IV-3/Kolaghat is reproduced below :

“No. 1980/IV-3/Kolaghat Dated :-23.11.06

To
The District Panchayat & Rural Dev. Officer,
Purba Medinipur.

Sir,

Sub :- Report on roster for the vacant posts of Panchayet Karmee.

Underneath please find the format report on roster for the vacant posts of Panchayet Karmee. It has been found from the previous records that 1(one) post was not filled up by ex-service man from 13(thirteen) vacant posts having the provision as well. Now it will have to be filled up 7(seven) vacant posts of G.P.Karmee under this Block and thus cover 20(twenty) points of vacancy and 2(two) of these by ex-service man which will be fixed by District level recruitment committee. Underneath please find the format report on roster for the vacant posts of Panchayet Karmee for your kind perusal.

Name of Block	Name of G.P.s	Total no. of vacant posts	Date of accrual of vacancy	Category as per 100 Point Roster	Remarks
Kolaghat	Gopalnagar	I	31.10.1998	14 th General	Two of the vacancies have to be filled up by Ex-service man of the decision of D.L.S.C.
	Siddha-II	I	31.01.2000	15 th S.C.	
	Baisnabchak	I	31.01.2004	16 th Gen.(E.C.)	
	Sagarbarh	I	31.08.2004	17 th Gen.	
	Siddha-I	I	22.12.2005	18 th S.C.	
	Deriachak	I	22.12.2005	19 th Gen.	
	Baisnabchak	I	11.05.2006	20 th Gen.(E.C.)	

Yours sincerely,

*Block Development Officer,
Kolaghat Dev. Officer.
Kolaghat: : Purba Medinipur. Dated :-23.11.06”*

This Court has also seen the final result of the selection conducted by the concerned authority for appointment of Gram Panchayat Karmee in Deriachak Gram Panchayat wherefrom it appears that Subhas Paul being the petitioner stood second in the panel and he was considered as a candidate under the Waiting List and one Gour Hari Jana stood first in the panel and against his name it was endorsed ‘Provisionally selected’.

Today Mr. Ghosh Dastidar, submits that said Gaur Hari Jana being the first empanelled candidate was appointed in the post of Gram Panchayet Karmee in the said Deriachak Gram Panchayat as per said panel prepared pursuant to the selection process which was initiated in 2007.

In consideration of such submission made on behalf of the respondent authorities as well as on production of records since it appears that there was an exercise carried out by the concerned Block Development Officer, Kolaghat whereby the post of Gram Panchayat Karmee under Deriachak Gram Panchayat was identified as unreserved post being 19th post under the 100 Point Roster, this Court does not find any anomaly in appointment of a General candidate in the said post.

In the above conspectus, this Court does not find any merit in this writ petition and the same stands dismissed.

However, there shall be no order as to costs.

Personal appearance of Mr. Debashis Deb, District Panchayat & Rural Development Officer, Purba Medinipur and Mr. Tapas Kumar Hajra, Block Development Officer, Kolaghat is dispensed with.

The copies of the documents, produced before this court today, are taken on record.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously on usual undertaking.

(Saugata Bhattacharyya, J.)