

Item No. 1
Court No. 24
30.08.2023
AGM

CPAN 189 of 2023

Mrinmoy Pramanik & Ors.
-vs-
Sri Ajit Kumar Nayek, The Chairman, South 24
Parganas D.P.S Council & Ors.
in
WPA 19621 of 2019
Arindam Mandal & Ors.
-vs-
State of West Bengal & Ors.
With
IA No. CAN 1 of 2020 (Old No. 2907 of 2020),
CAN 2 of 2020 (Old No. CAN 2982 of 2020),
CAN 3 of 2020 (Old No. CAN 5337 of 2020),
CAN 4 of 2020 (Old No. CAN 5338 of 2020),
CAN 5 of 2020 (Old No. CAN 5342 of 2020),
CAN 6 of 2020 , CAN 7 of 2020, CAN 8 of 2020,
CAN 9 of 2020, CAN 10 of 2020, CAN 11 of 2021,
CAN 12 of 2021, CAN 13 of 2021, CAN 14 of
2021, CAN 15 of 2021, CAN 16 of 2021, CAN 17
of 2021, CAN 18 of 2021, CAN 19 of 2021, CAN
20 of 2021, CAN 21 of 2021.(Applications are
not in the file)

Mr. Laxmi Kumar Gupta, Sr. Adv.
Mr. Subir Sanyal
Mr. Rahul Biswas
Mr. Somesh Ghosh
..... for the appellants in CPAN.

Mr. Gaurav Das
..... for the alleged contemnor no.1.

Mr. Supriya Chattopadhyay, Ld. AGP
Mr. Mrinal Kanti Ghosh
.... For the alleged contemnor nos. 3 and 4.

Affidavit-of-compliance filed on behalf of the
Principal Secretary, School Education Department and on
behalf of the contemnor no. 1 is taken on record.

It appears from the report filed by the Chairman that appointment letter could not be issued in respect of five candidates due to non-availability of their address.

The Council is directed to put up on display the name of the candidates along with their roll numbers in the official website so that the candidates may collect their appointment letter directly from the office of the Council.

A further list has been annexed as Annexure C to the affidavit filed by the Council wherefrom it appears that as many as fifteen candidates will not be entitled to get appointment on account of being over aged.

Be it recorded that the recruitment process was initiated in the year 2009 and interview of the candidates were taken in the year 2014.

The candidates have lost valuable years in view of the pendency of the litigation before various fora.

Learned senior counsel representing the petitioner submits that there was inordinate delay on the part of the respondent authorities in concluding the recruitment process within time.

Learned advocate representing the alleged contemnors submits that the delay was on account of pendency of the litigation where order of injunction was passed restraining the Council to publish the panel without the leave of the Court.

Without entering into the allegation and counter allegation of the parties, the instant contempt application is disposed of by granting liberty to the candidates who

could not enjoy the benefit of the order passed by this Court and lost the chance for being appointed in service to approach the competent Court, if permissible in law, for compensation or any other relief, if so advised.

As we are deciding the contempt application at present, accordingly, the merit of the claim of the candidates to seek notional benefit or otherwise is not adjudicated herein.

It will be open for the parties to make appropriate submission in a separate proceeding, which may be initiated in accordance with law.

CPAN 189 of 2023 is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Krishna Rao, J.)

(Amrita Sinha, J.)