

WPA 4080 of 2023
Md. Farizuddin & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Saumyen Dutta,
Ms. Dolon Dasgupta

...for the Petitioners

Mr. Suman Dey

...for the State

Let the report filed by the State be kept with the records.

The petitioner is a Group-D staff at Samsi College, Malda. The petitioner claims that in view of his continuous service of more than five years, he is entitled to come within the zone of consideration for promotion to a Group-C post of the said college as per notification dated November 26, 2007 issued by the State.

It is the grievance of the petitioner that by an order dated August 20, 2018, the State permitted the college to fill up two posts of Lower Division Clerk. A selection committee was formed following the said government order, but the State did not send its nominee for the formation of the selection committee. Therefore, no recruitment was made following the said order dated August 20, 2018.

The petitioner submits that he has a right to come within the zone of consideration for Group-C post at the said college, but due to the failure of the State to place its

nominee in the selection committee, his right has been infringed. The petitioner seeks a direction upon the State to place its nominee in the selection committee to complete the selection process.

It is imperative to note that the petitioner's claim is based on a circular dated November 26, 2007 that, inter alia, provided that duly qualified candidates working for at least five years as regular employees in "Group-D" categories might be considered for appointment to 'Group C' posts along with the candidates sponsored by the employment exchange. Subsequently, another circular dated August 25, 2017, was introduced by the State prescribing, inter alia, a direct mode of recruitment for 'Group-C' posts.

Mr. Saumyen Dutta, learned advocate appearing for the petitioner submits that the circular dated August 25, 2017 does not supersede the circular dated November 26, 2007, therefore, the recruitment in question should be carried out in terms of the notification dated November 26, 2007.

I, however, accept the submission advanced on behalf of the State that the notification dated August 25, 2017 superseded all the previous notifications. Paragraph 12 of the said notification will make this position more clear.

There cannot be any denial that in this case, the posts were sanctioned on August 5, 2018, i.e., after the

issuance of notification dated August 25, 2017.

After notification dated August 25, 2017, as appearing at page 4 of the report filed by the State, the post of Group-C staff can be filled up in terms of notification dated August 25, 2017 by way of direct recruitment.

In that view of the matter, I do not see that the petitioner has any right to claim that the post in question should be filled up in terms of notification dated November 26, 2007. However, I make it clear that the respondents will be at liberty to fill up the post in question in accordance with law.

WPA 4080 of 2023 is disposed of.

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

(Kausik Chanda, J.)