

DL-15

06.06.2023
Court No.5
(AD)

WP.ST 32 of 2023

**Tapas Kr. Banik
Vs.
The State of West Bengal & Ors.**

*Ms. Sarda Sha
Ms. Adrisnata Chakraborty
... for the petitioner.*

*Mr. Tapan Kumar Mukherjee, Ld. Sr. Advocate
Ms. Debdouti Dutta
... for the State.*

*Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mondal
... for the respondent No.3.*

An order dated September 19, 2018 dismissing OA No.563 of 2015 filed at the behest of the writ petitioner is under challenge in the present writ petition.

By the impugned order, the claim of the writ petitioner for grant of appointment to a Group-D post was not accepted by the Tribunal primarily on the ground that, there were three vacancies for such post. Out of the three vacancies, one was reserved for a Scheduled Caste candidate. The petitioner stood third in the selection process in respect of the unreserved category. The two vacancies in the unreserved category out of the three vacancies as noted above were given to the first two candidates who accepted such appointment.

Learned Advocate appearing for the writ petitioner draws the attention of the Court to the reply submitted on behalf of the State before the learned Tribunal and in

particular to paragraph 4 thereof. She submits that, the State authorities accepted that there was a discrepancy in the preparation of the panel.

State is represented.

We perused the reply submitted by the State in the original application. In paragraph 4 of such reply, the State averred that, the writ petitioner participated in the selection process initiated by the District Inspector of Schools (PE) Kolkata in 2007 for recruitment of two Group-D posts under unreserved category vide Memo No.1269-SC/Apt dated December 4, 2006. The District Inspector of Schools (PE), Kolkata was permitted to fill up three vacant posts of Group-D posts maintaining 100 point ROSTER and other existing relevant rule prevailing at that time. Out of the three posts, one post was reserved for a Scheduled Caste candidate and the rest two were for the unreserved general candidates. District Inspector of Schools (PE), Kolkata requested District Employment Exchange to submit names of the candidates to such vacancies. District Inspector of Schools (PE), Kolkata submitted the panel with other relevant document by his Memo No.70/PH dated May 11, 2007. After verification, some dispute arose in the panel and the District Inspector of Schools (PE), Kolkata was directed to resubmit the panel after proper rectification. District Inspector of Schools (PE), Kolkata resubmitted the same by his Memo No.26/PH dated April 12, 2010 for approval before the Directorate of School Education. In

respect of the two unreserved category posts, the first two empanelled candidates were given the employment.

In paragraph 4 of the reply, State clarified the dispute with regard to the panel prepared in respect of the unreserved category. State averred that, marks awarded to the 5th empanelled candidate was 39 instead of 40 and, therefore, the same was asked to be corrected.

The correction in the panel did not affect the writ petitioner since the correction was in respect of the candidate who was placed lower in rank to the petitioner. Admittedly, the petitioner participated in respect of a selection process for two unreserved posts of Group-D. Petitioner was placed third in the panel. There is no material on record to establish let alone suggest that on the basis of the marks that the petitioner obtained, the petitioner should be placed any higher in the panel than where he was placed at.

In such circumstances, we find no merit in the present writ petition.

WP.ST 32 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

