

57. 22.08.2023
bd. Ct.15

W.P.A. 6077 of 2018

Pradip Pramanik & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharya

Mr. Arup Kundu

Mr. Raju Bhattacharya ... for the petitioners.

Ms. Tuli Sinha

... for the State.

Petitioners are working as Tax Collectors in several blocks in the district of Bankura and have jointly approached this Court by presenting this writ petition. A common grievance of the petitioners is fixation of upper age limit of 45 years for being promoted to the post of Panchayat Karmee from the post of Tax Collector as it appears from the two memoranda dated 14th July, 2016 and 12th March, 2018.

Mr. Bhattacharya, learned senior advocate during course of hearing has also relied upon a recruitment notification dated 29th December, 2015 which is annexed at page 12 of the affidavit-in-reply in order to demonstrate before this Court that in case of recruitment in the post of Panchayat Karmee upper age limit should be fixed at 40 years. Reliance has also been placed on the notification dated 7th January, 2011 by which Rule 7(I) of the West Bengal Panchayat (Recruitment of employees of Gram Panchayat) Rules, 2007 has been amended.

Learned advocate representing the State respondents on the other hand has relied upon averments made in the affidavit-in-opposition wherefrom it appears that no recruitment or promotional process has been initiated by the concerned respondent authorities for filling up the posts of Panchayat Karmee by promoting tax collector who are working in several blocks in the district of Bankura. According to the State respondents in absence of initiation of selection process the writ petition is pre-matured.

Having considered the submissions made on behalf of the parties to this writ petition it appears that there is substance in the contention of the State respondents.

If no recruitment process is initiated for filling up the posts of Panchayat Karmee by way of promoting Tax Collector who are working at the block level in the district of Bankura question of consideration of eligibility of the petitioners in terms of their age on the anvil of fixation of upper age limit is an academic consideration at this stage.

Accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioners to take steps in accordance with law in future if situation so arises.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)