

35.
15.5.2023
S.D.

W.P.A. 8770 of 2023

**Neeraj Kumar
Vs.
Coal India Limited & Ors.**

Mr. Dyutiman Banerjee

Mr. Arnab Sinha

Mr. Amartya Basu

... For the Petitioner

Mr. Anup Kumar Poddar

Mr. Ayan Poddar

Mr. Kamran Alam

..For the State

The petitioner applied for the post of Materials Management Trainee in OBC category pursuant to an advertisement vide no. 3 of 2022 published by the Coal India Limited (CIL). The online applications were required to be submitted by August 7, 2022. As per Clause 9 (v) of the said advertisement, non-attachment of required/legible documents in the online applications would be treated as incomplete applications and would be rejected forthwith. Admittedly, the petitioner was employed with Government/Semi-Government/Public Sector Undertakin/Autonomous Body and did not upload the NOC with the online registration form. However, by a

Recruitment Notice dated January 31, 2023 issued by the Recruitment Division to the CIL, it was intimated that the NOC from the present employer along with final mark-sheet showing the percentage of marks of P.G. (Post Graduation) was required to be submitted by February 9, 2023.

Mr. Banerjee, learned counsel appearing on behalf of the petitioner submits that the documents were submitted on February 9, 2023 but the petitioner's name did not appear in the provisionally selected list dated March 16, 2023.

Mr. Poddar, learned appears on behalf of the CIL and submits that the petitioner did not follow the required guidelines for applying for the aforesaid post and, therefore, his application was rejected by the CIL.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that by the notice dated January 31, 2023, the petitioner was required to submit the NOC from the present employer along with the final mark-sheet showing the percentage of the marks of P.G. However, the said documents which were required to be submitted "**must** have been" issued on or before September 30, 2022 by the Issuing Authority. Admittedly, No Objection Certificate has been issued on December 7, 2022. Therefore, this Court is of the view that no arbitrariness or

capriciousness has been committed by the CIL in not considering the petitioner's candidature to the aforesaid post for which he applied. Since the documents were not issued within September 30, 2022, the petitioner's name did not appear in the provisional list.

In such view of the matter, **W.P.A. 8770 of 2023** is **dismissed**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)