

WP.ST 128 of 2013
CAN 1 of 2018 (Old CAN 1299 of 2018)
(application not available in the file)

Avijit Pal
Vs.
The State of West Bengal & Ors.

Mr. Tanmoy Chowdhury
Mr. Somnath Gangopadhyay
... for the petitioner

Mr. Sirsanya Bandyopadhyay, Id. Junior Standing Counsel
Mr. Arka Kumar Nag
... for the State

The writ petition is directed against an order dated November 11, 2009 passed by the West Bengal Administrative Tribunal in O.A. 496 of 2004.

By the impugned order, the learned Tribunal, dismissed the original application.

Learned advocate appearing for the writ petitioner submits that, the writ petitioner participated in the recruitment to the post of Wireless Supervisor (Technical Grade-II) in Kolkata Police for the year 2003-04. The broad-sheet was never produced before the learned Tribunal. Even in this Court, the authorities did not produce the broad-sheet. He submits the fact that, the writ petitioner participated in the selection process is admitted. He contends that, the writ

petitioner is entitled to the appointment to such post.

Learned Junior Standing Counsel appearing for the State submits that, the police authorities filed an affidavit by the Commissioner of Police since, the broad-sheet was not found in the records. He submits that the affidavit in opposition discloses the respective qualifications for the two rival candidates. He draws the attention of the Court to the averments made in the body of the affidavit in opposition where, comparison of the credentials of the two candidates are tabulated. He submits that the candidate who was granted the appointment possessed better qualification on the educational as well as the experience fronts. Such candidate was, therefore, found to be appropriate to be given appointment to the post. The post was one of supervisor and, therefore, technical knowledge and experience was one of the factors required to be taken into consideration. He draws the attention of the Court to the advertisement of the selection process and submits that, such advertisement prescribed that preference would be given to the candidates possessing technical qualification.

The writ petitioner before us participated in the recruitment to the post of Wireless Supervisor (Technical

Grade-II) in Kolkata Police in the year 2003-04. Writ petitioner was unsuccessful in getting an appointment to such post.

It is the contention of the writ petitioner that, the broad-sheet prepared in course of the selection process is essential for the purpose of evaluating that a fit candidate was given appointment or not.

We gave our anxious consideration to the contentions advanced on behalf of the writ petitioner. Broad-sheet of the selection process is not produced by the authorities before us. However, the authorities produced the relevant documents, which were considered during the selection process of the rival candidates. The affidavit was affirmed by the Commissioner of Police.

It appears from the materials placed on records through such affidavit, that, the candidate who was granted the appointment possessed far better educational qualifications and technical expertise than the writ petitioner.

In such circumstances we are of the view that, non-production of the broad-sheet of the selection process does not vitiate the selection of the rival candidate in facts and circumstances of the present case. We are also of the

view that, the rival candidate possessed better educational qualification and technical expertise and experience to be granted to the appointment.

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

WP.ST 128 of 2013 along with all connected application are, therefore, dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)