

07.03.2024
Item Nos.25-28
gd/ssd

WPA/12087/2018
RAM CHANDRA BHATTACHARJEE
VS
STATE OF WEST BENGAL & ORS
IA NO: CAN/1/2020, CAN/2/2021, CAN/4/2022,
CAN/5/2023

with
WPA/12070/2017
RAMCHANDRA BHATTACHARJEE & ANR.
VS
STATE OF WEST BENGAL & ORS.
IA NO: CAN/1/2018(Old No:CAN/9716/2018)

with
WPA/21869/2017
RAMCHANDRA BHATTACHARJEE & ANR.
VS
STATE OF WEST BENGAL & ORS.
IA NO: CAN/1/2018(Old No:CAN/9717/2018)

with
WPA/7847/2018
PARNALI BANERJEE
VS
PUBLIC SERVICE COMMISSION & ORS.

Mr. Samim Ahamed,
Ms. Ambiya Khatun
..for the Petitioners.

Mr. Rudranil De
..for the State.

Mr. Pradip Kumar Roy,
Mr. Joydeep Roy
..for PSC.

Mr. Amales Ray,
Ms. Mousumi Bhowal
..for the Respondent No.14 in
WPA 12087 of 2018.

1. In these batch of public interest litigations which were filed during the year 2017 onwards various prayers have been sought for but, however, as of now the priority is with regard to the relief sought for in CAN

5 of 2023 wherein the petitioner in WPA 12087 of 2018 prays for a direction upon the respondent authorities to ensure the immediate filling up of the vacancy in the post of the Chairman of the Public Service Commission and appointing Members with prior Government service to meet the statutory requirements. There is also another prayer sought for to restrain the respondent authorities from transferring the service of employees of the Public Service Commission to ensure independent functioning of Public Service Commission.

2. The prayer sought for in CAN 5 of 2023 is a very serious matter and non-filling up of the vacancy in the post of the Chairman and the Members of the Public Service Commission has a wide ramification and a very tremendous impact on the selection of Civil Judges (Junior Division). On account of non-filling up of the post of the Chairman and the Members of the Public Service Commission, the viva voce could not be conducted for selection of Civil Judge (Junior Division) in respect of the vacancies for the year 2022 as a result of which the entire process got delayed and on account of which there is a clear violation of the order passed by the Hon'ble Supreme Court in *Malik Mazhar Sultan & Another* case.

3. This being a very serious matter, we direct the learned Advocate General to obtain appropriate instructions from the Government as to why the

vacancy in the post of the Chairman and the Members of the Public Service Commission has not been filled up as yet.

4. Since the High Court is bound by the directions issued by the Hon'ble Supreme Court for timely filling up the vacancies in the District Judiciary and Civil Judges in particular where the process involves the Public Service Commission, if steps are not taken to immediately fill up the post of the Chairman of the Public Service Commission, the State shall respond to the query as to why the High Court at Calcutta shall not take up the task of completing the recruitment process for the post of Civil Judges and direct the State Government to issue orders of appointment based on the selection done by the High Court.

5. The State of West Bengal shall respond to the aforementioned two queries on the next hearing date.

6. So far as the prayer (b) in CAN 5 of 2023 is concerned, the same will be considered on the next hearing date.

7. List these matters under the caption "For Orders" on 14th March, 2024.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)