

**IN THE HIGH COURT AT CALCUTTA**  
**CONSTITUTIONAL WRIT JURISDICTION**  
**APPELLATE SIDE**

**Present :-**

**Hon'ble Justice Partha Sarathi Sen**

**W.P.A No. 12841 of 2022**

**Sri Manik Pandit**

**-Versus-**

**The State of West Bengal And Ors.**

**For the Petitioner : Mr. Mani Sankar Chattopadhyay, Adv.**

**Ms. Shalini Singh, Adv.**

**Heard on: : 28.07.2023**

**Judgment on. : 01.08.2023**

**PARTHA SARATHI SEN, J. : -**

1. By filing the instant writ petition the writ petitioner has challenged the correctness of the employment notification no.11 dated March 4, 2022, as published from the office of the District Judge, Nadia at Krishnagar whereby and whereunder final panel of the provisionally selected candidates for the post of Group D (Night Guard) in different categories have been published.

2. Learned advocate for the writ petitioner contended that the said employment notification dated March 4, 2020 is suffering from patent illegality in view of the fact that in the said list no cut off of marks in the category of OBC (B) has been given and thus finding no other alternative the writ petitioner submitted an application under RTI Act with the respondent no.2/authority but in reply to such RTI though the SPIO , District Judges' Court, Krishnagar, Nadia has provided the number of the

writ petitioner (who was in the panel of wait listed candidates) but the number of the selected candidates for the self same post in the category of OBC(B) has not been provided for comparing with the marks obtained by the petitioner.

3. Upon hearing the learned advocate for the writ petitioner and on perusal of the entire materials as placed before this Court this Court finds that the present writ petitioner has not filed any representation either with the respondent no.2 or with respondent no.3 for providing the marks received by the selected candidates in the OBC(B) category i.e. Nabin Pal.

4. In view of such this Court proposes to dispose of the instant writ petition in the manner indicated hereunder.

5. Liberty is given to the present writ petitioner to submit a copy of the instant writ petition (which may be treated as a representation by respondent no.3) or a separate representation on the basis of the instant writ petition before the respondent No. 3, that is, the District Judge, Nadia cum Chairman, District Recruitment Committee 2 Nadia within a month from the date of passing of this order.

6. It is further directed that the District Recruitment Committee, Nadia shall consider such representation of the present writ petitioner after giving the present writ petitioner an opportunity of hearing and shall pass a reasoned order within one month from the date submission of such representation.

7. It is also made clear that a copy of the reasoned order shall have to be forwarded to the present writ petitioner either by hand to hand or by

registered post with A/D or by email within a week from the date passing of the reasoned order as directed above. It is made clear that while disposing the instant writ petition this Court has not gone into the merits of the instant writ petition and, thus, before the District Recruitment Committee, Nadia all the points as raised in this writ petition are kept open including the entitlement of the writ petitioner to obtain information with regard to the marks secured by selected candidate Nabin Pal for the post of Group D (Night Guard) in OBC (B) category.

8. With the aforementioned observation, the instant writ petition being WPA 12841 of 2022 is disposed of.

9. Parties to act on the server copies of this order.

10. Urgent Photostat certified copy of this judgement, if applied for, be given to the parties on completion of usual formalities.

**(Partha Sarathi Sen, J.)**