

April 19, 2023
Sl. No.A 132
Court No.19
s.biswas

WPA 15693 of 2022

Tabendra Nath Sarkar

vs.

The State of West Bengal and others

Md. Yusuf Ali, Advocate

... for the petitioner

Mr. Lalit Mohan Mahata,

Mr. Rudranil De, Advocates

... for the private respondent

The petitioner seeks mandamus upon the District Panchayat and Rural Development Officer, Malda to initiate a recruitment process for appointment of Panchayat Karmees, so that the petitioner can avail the chance of promotion from the post of Tax Collecting Sarkar.

The petitioner submits that there is a policy of the Government to appoint 33% of the Panchayat Karmees through in-house promotion, from existing Tax Collecting Sarkars.

The petitioner claims to have been in service as a Tax Collecting Sarkar since long and refers to a document which is annexed as Annexure P/6 to the writ petition. The said document is a list of the existing Tax Collecting Sarkars under Habibpur Development Block, Malda. Such list had been forwarded to the authority by the Block Development Officer. The petitioner submits that if the selection process of Panchayat Karmees is not initiated in the near future, the petitioner will miss the opportunity forever.

Reliance has also been placed on a decision of this Court passed in WPA 3689 of 2022 (Rajesh Chowdhury vs. The State of West Bengal and others).

In the matter of Rajesh Chowdhury (supra), the Court had directed the District Panchayat and Rural Development Officer, Malda must treat the writ petition as a representation of the petitioner therein and dispose of the same in accordance with law.

The petitioner prays for similar order.

The facts are distinguishable, inasmuch as, the writ petitioner in WPA 3689 of 2022 had not crossed the upper age limit and had moved this Court for a direction upon the authority to take a decision with regard to initiation of a recruitment process, as was done in other districts, so that he may get an opportunity to be considered for promotion before he crossed the age limit.

In this case, the petitioner had already crossed the age limit four years ago. He cannot be allowed to participate in the process of selection through promotion, having crossed the upper age limit.

Hence, the Court cannot entertain the writ petition by directing the authorities to consider the case of the petitioner. Such order would be futile, unimplementable and contrary to the recruitment rules.

Accordingly, the writ petition is dismissed.

Parties are to act on the basis of the server copy
of the order.

(Shampa Sarkar, J.)