

Dd 02 27.07.2023

WP.ST 102 of 2023

Nirmal Kanti Das
Vs.
The State of West Bengal & Ors.

Mr. Niladri Sekhar Ghosh,
Mr. Mukul Biswas,
Ms. Sompurna Chatterjee,
Mr. Sourov Mondal, Advocates
... ... For the Petitioner

Mr. Tapan Kr. Mukherjee, AGP
Ms. Tuli Sinha, Advocate
... ... For the State

The writ petition is directed against an order dated February 4, 2013 passed in OA 178 of 2011.

There is a delay of 12 years in filing the writ petition.

We call upon the learned advocate to explain the delay.

Learned advocate appearing for the writ petitioner draws the attention of the Court to the pleadings in paragraphs 3 and 4 of the writ petition.

In paragraph 3 of the writ petition, writ petitioner claims that he comes from economically weaker section of the society and is dependent on his relatives and friends apart from his monthly income.

Paragraph 4 of the writ petition states that the writ petitioner and his wife were under constant medical supervision due to different age related ailments and, therefore, he could not knock the door of justice.

Learned advocate for the writ petitioner relies upon a set of documents relating to the treatment underwent by the writ petitioner. He also relies upon a letter dated February 24, 2015 issued by the Secretary, High Court Legal Services Committee, Calcutta appointing two learned advocates to look after the case of the writ petitioner. It is contended that, those advocates did not take any steps in the matter.

We invited the learned senior advocate named in the letter dated February 24, 2015 in Court and inquired of him as to the matter after showing him the letter dated February 24, 2015.

Mr. Amitesh Banerjee, learned senior advocate, submits that, no person contacted him and he was not aware of such a letter till it was shown to him in Court today.

The writ petitioner seeks an appointment in the post of a Group-‘D’ of the police force. The selection for such post was undertaken in 1997. Petitioner was not given appointment. Petitioner challenged such selection process in 2011 by way of OA 178 of 2011.

The Tribunal considering the challenge thrown by the writ petitioner, found that, the writ petitioner could not be considered for further appointment since after filling up two general category posts from the panel, the panel did not exist and any vacancy that may occur due to death or otherwise would be treated as fresh vacancy.

The writ petitioner approached the High Court in 2023 by way of this writ petition.

The delay explained in the pleadings allude nothing about the letter dated February 24, 2015 of the Secretary, High Court Legal Services Committee,

Calcutta. No medical documents are annexed to the writ petition.

That apart, on merits, there is no case for the petitioner as noted in the impugned order of the Tribunal. The petitioner participated in the selection process for two posts in the general category. Both the posts were filled up. Question of a panel existing did not arise, in the facts and circumstances of the case.

Moreover, the petitioner is 59 years of age as on date. He, on his own averment, is suffering from various ailments.

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

WP.ST 102 of 2023 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)