

19.10.2023
Item No.6
PG/KS
Ct. No.1

M.A.T. 1335 of 2023
With
IA No. CAN 2 of 2023

Sangamitra Ghosh & Ors.
Vs.
Rina Chakraborty Chatterjee & Ors.

Mr. S. N. Mookherjee
Mr. S. Banerjee
Mr. A. K. Nag

.....For the appellants

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Sampriiti Saha
Ms. Purba Mukherjee
Mr. Avijit Kar

.....For the respondents

1. This intra-Court appeal is directed against the order dated 4th May, 2023 in CPAN 99 of 2021. This contempt petition was filed by the respondents/writ petitioners alleging wilful disobedience of the order dated 22nd April, 2019 in W.P. No.8204 (W) of 2019. The learned Single Bench by the impugned order has directed the appellants to permit the writ petitioners to participate in the recruitment process.
2. It is an admitted fact that the recruitment process has already commenced and the written examination has already been conducted and several candidates have participated in the examination and some of those, who are not

permitted had filed writ petitions and directions were issued in those writ petitions and consequently, they were permitted to participate in the recruitment process. However, those directions issued in those writ petitions were restricted to the concerned writ petitioners.

3. In the order dated 22nd April, 2019, the specific case of the petitioners was that initially the appellants were accepting the online applications from N.G.O. run Anganwadi workers but presently the system is not accepting the same and, therefore, they should be permitted to submit offline applications. Taking note of the said submissions, the Court directed the appellants to accept offline applications from the writ petitioners without prejudice to their rights and contentions. In the said order, there is no direction issued to the appellants to further process the matter. However, the Court made it clear that any step taken in the meantime, shall abide by the result of the writ petition. The Court also directed the appellants to file their affidavit-in-opposition within a time frame.
4. As could be seen from the order dated 22nd April, 2019, there was no direction to process the application nor there was any direction to permit the writ petitioners to participate in the

recruitment process. Therefore, we are of the view that the direction issued in the impugned order could not have been issued since there was no specific direction issued by the writ court in its order dated 22nd April, 2019 to permit the writ petitioners to participate in the recruitment process.

5. The learned advocate appearing for the respondents/writ petitioners would contend that merely accepting the offline applications without processing the same is not sustainable. In any event, the direction issued in the impugned order dated 4th May, 2023 could not have been issued as the applications submitted by the writ petitioners are yet to be processed. Apart from that, the eligibility criteria also has to be examined before any direction can be issued to any candidate to participate in the recruitment process. Therefore, the direction issued in the order dated 4th May, 2023 is beyond the scope of the direction issued in the writ petition dated 22nd April, 2019 and, therefore, the same is set aside.
6. The appellants are directed to process the application and in the event, the appellants are of the opinion that the writ petitioners are ineligible, they should be intimated in writing as to what

are the reason for coming to such a conclusion.

Such a decision be taken by the appellants within a period of five weeks from the date of receipt of server copy of this order.

7. With the above directions, the appeal and the connected application are disposed of.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)