

07. 03.10.2023
bd. Ct.15

W.P.A. 24119 of 2018

Chandra Mahato

-vs-

The State of West Bengal & Ors.

Mr. Santanu Mitra

Ms. Rama Halder ... for the State.

The writ petition is taken up for consideration when accommodation has been prayed for on behalf of the petitioner which is refused since the writ petition was taken up for consideration on 26th September, 2023 when adjournment was prayed on behalf of the petitioner and the same was granted. Therefore, the matter has been fixed for hearing today, 3rd October, 2023.

However, State respondents are represented by learned advocates. On behalf of State respondents documents have been filed today including a communication dated 29th September, 2023 of the District Panchayat and Rural Development Officer, Purulia, which are taken on record.

On perusal of the writ petition, it appears that the petitioner participated in the selection process for appointment in the post of Executive Assistant in Gram Panchayat in the district of Purulia pursuant to Employment Notification No. 01/EA/2016 dated 8th December, 2016. Petitioner applied for the said post of Executive Assistant under OBC (B) EC category. Petitioner participated in the written examination which was held on 12th February, 2017 and she was found one of the

eligible candidates to participate in the interview and accordingly petitioner was called for the interview on 23rd August, 2017. However, she was not successful in the interview and was not appointed in the post of Executive Assistant under OBC (B) EC category and one Goutam Mahato being respondent no. 7 was selected and appointed in the aforesaid category. Point has been raised in this writ petition that respondent no. 7 does not belong to OBC (B) EC category candidate therefore the said respondent no. 7 ought not to have been selected for the post of Executive Assistant under the category of OBC (B) EC and petitioner being a candidate under OBC (B) EC category needs to be appointed in place of the said respondent no. 7.

Today Mr. Mitra, learned advocate, representing the State respondents submits that under the notification dated 8th December, 2016 a selection process was initiated for appointment of Executive Assistant in Gram Panchayat in the district of Purulia and one post was kept reserved for OBC (B) EC category candidate.

On completion of selection process comprising of written test and interview one Goutam Mahato was selected in the category of OBC (B) EC and he has been appointed long back. In order to refute the contention of the petitioner as raised in this writ petition notice of this Court has been drawn to the Employment Exchange Card of the respondent no. 7 wherefrom it appears that the respondent no. 7 belongs to the category of OBC (B) EC and according to the State respondents there is no infirmity in selecting respondent no. 7 for the post

of Executive Assistant in the category of OBC (B) EC.

Having considered the submissions made on behalf of the parties it appears that both the petitioner as well as respondent no. 7 participated in the selection process under the employment notification dated 8th December, 2016 and on conclusion of the said selection process respondent no. 7 was found to be selected and was appointed under the category of OBC (B) EC. From the writing dated 29th September, 2023 of the District Panchayat and Rural Development Officer, Purulia, it also appears that the petitioner could not qualify viva-voce therefore her name did not feature in the merit list dated 25th June, 2018 as a result whereof the petitioner was unable to come within the zone of consideration.

It further appears from the Employment Exchange Card of Goutam Mahato being the respondent no. 7, is placed before this Court which is taken on record, that the said respondent no. 7 belong to OBC (B) EC category candidate, therefore, the contention of the petitioner as taken in the writ petition pales into insignificance.

In view of aforesaid facts this Court does not find any infirmity in selecting respondent no. 7 for the post of Executive Assistant. One issue does not escape the notice of this Court that the petitioner participated in the selection process comprising of written test and viva-voce and after publication of the merit list when she found that she did not come

in the zone of consideration, approached this Court contending that the respondent no.7 being the selected candidate was not OBC (B) EC category candidate. It is well settled that after participation in the selection process the candidate normally loses opportunity to question the selection process.

Accordingly, this Court is not inclined to interfere with this writ petition and the same stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)