

W.P.A. 25429 of 2018

**Asis Kumar Kamilya
Vs.
The State of West Bengal & Ors.**

Mr. Milan Nandi
Mr. Mayukh Nandi
...for the petitioner

Mr. Jyoti Prakash Chatterjee
Mr. P. Goswami
...for the State

The writ petition is taken up for consideration pursuant to the order dated 22nd August, 2023 in presence of the learned advocates representing the petitioner and the State-respondents. At last the State-respondents has filed an affidavit-in-opposition affirmed on 10th April, 2023 by one Debdulal Biswas, District Panchayat and Rural Development Officer, Purba Medinipur, the said affidavit is taken on record. Copy of the said affidavit is handed over to the learned advocate representing the petitioner.

From paragraph-6 of the said affidavit it appears that for appointment in the posts of Gram Panchayat Secretary in the District of Purba Medinipur under OBC-B category there were five posts and panel of 15 candidates were prepared. Petitioner ranked 12th in the panel therefore after filling up the posts of five Gram Panchayat Secretary from the said panel by appointing first 5 candidates there was no scope left open to

consider the candidature of the petitioner to be appointed. It has also been stated in paragraph-6 that the fifth post was filled up by one Sandip Sahoo on 19th January, 2018 and thereafter nobody had resigned within the life time of the panel. Therefore, virtually panel was exhausted on appointment of fifth candidate from the said panel. The life time of the panel, it has also been averred in the affidavit, expired on 22nd December, 2018. From the aforesaid averments made in the affidavit it appears that petitioner who stood 12th in the panel could not be considered for appointment since he did not come within the zone of consideration.

In aforesaid conspectus this Court is not inclined to pass order in the writ petition granting relief as prayed for.

Accordingly, the writ petition is dismissed.

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.)