

W.P.A. 25881 of 2018

**Debasis Chowdhury
Vs.
The State of West Bengal & Ors.**

**Mr. Kanai Lal Samanta
Mr. Milan Kr. Maity**

...for the petitioner

**Mr. Shyama Prasad Purkait
Ms. Moumita Mondal**

**..for the Diamond Harbour
Municipality**

In the writ petition petitioner has prayed for writ in the nature of *certiorari* for production of records relating to selection of candidates for appointment in Diamond Harbour Municipality on substantive basis.

Mr. Kanai Lal Samanta, learned advocate representing the petitioner has relied upon one letter dated 18th June, 2017 addressed to several authorities including the Chief Minister of West Bengal whereby complaint has been made relating to the selection method resorted to by the concerned authority of Diamond Harbour Municipality in the matter of filling up 22 posts on permanent basis in Diamond Harbour Municipality.

On query being posed to the learned advocate representing the petitioner it has been answered that petitioner was not desirous candidate to be appointed in one of the aforesaid 22 posts in Diamond Harbour Municipality but the petitioner is public spirited person

who wants to ventilate his grievance relating to the method followed by the concerned authority of Diamond Harbour Municipality in filling up those 22 posts.

The learned advocate representing the Diamond Harbour Municipality has questioned the locus standi of the petitioner to maintain this writ petition in view of the fact that the petitioner did not participate in the selection process for appointment of 22 candidates for the posts which were available in Diamond Harbour Municipality.

This Court having heard the learned advocates representing the parties finds that petitioner was not desirous candidate who made an application before the concerned authority of Diamond Harbour Municipality for being selected for one of the aforesaid 22 posts. This Court could have appreciated the grievance of the petitioner had the petitioner applied for being selected for the post available in Diamond Harbour Municipality. At this juncture it has also been submitted by the learned advocate representing the municipality that so far petitioner is concerned there is no scope left open to him to offer his candidature since he has crossed upper age limit for being selected and the petitioner is a retired teacher. Therefore, it transpires that petitioner does not have locus standi to maintain this writ petition questioning the procedure followed by the concerned respondent authorities for filling up those 22 posts in Diamond Harbour Municipality.

The learned advocate has relied upon the order passed by the Hon'ble Division Bench on 8th February, 2019 on this writ petition. However, on perusal of the said order dated 8th February, 2019 it appears that in the cause title of the writ petition though petitioner described the writ petition as Public Interest Litigation but the same was struck off. The Hon'ble Division Bench directed the matter to be placed before the Bench having appropriate determination.

Pursuant to the order of the Hon'ble Division Bench dated 8th February, 2019 matter is considered by this Court. However, having found that the petitioner does not have locus standi to maintain this writ petition in its present form the same stands 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.)