

11.01.2023
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ns Ct.25

W.P.A. 26263 of 2018
Najrul Sk.
Versus
State of West Bengal & Ors.

Mr. Baidurya Ghosal for the petitioner.

The petitioner claims to have been selected in the selection process of the year 2012 for the post of Auxiliary Fire Personnel in the district of Nadia.

The action of the Director General, West Bengal Fire and Emergency Services in reducing the number of vacancies from 2000 to 1572 was challenged by the intending candidates in a writ petition being W.P. No.12246(W) of 2013. The said writ petition was disposed of by an order dated November 30, 2015 by a coordinate Bench of this Court by directing the Director General, West Bengal Fire & Emergency Services to re-visit the vacancy position throughout the State of West Bengal and if vacancies are available to consider the case of the writ petitioner therein for being appointed to the posts-in-question provided they are otherwise eligible and /or entitled to in accordance with law.

The writ petitioner has filed this writ petition claiming that there are several vacancies in the posts of Auxiliary Fire Personnel in the district of Nadia and prays that the respondent authority may

be directed to consider the case of the petitioner for being appointed to the said vacant post.

The learned Advocate for the petitioner places reliance upon a coordinate Bench decision of this Court passed on July 31, 2019 in W.P. No.24348(W) of 2012 with CAN 4932 of 2019 in support of his submission that the Director General, West Bengal Fire & Emergency Services be directed to consider the case of the petitioner for appointment to the posts-in-question.

None appears for the State as well as the added respondents at the time of hearing of this petition.

In view of the submission made on behalf of the petitioner that there are available vacancies in the post of Auxiliary Fire Personnel in the district of Nadia, this Court is of the considered view that the interest of justice would be subserved if a direction is passed upon the concerned respondent authority to consider and decide the claim of the petitioner in accordance with the directions passed hereinafter.

The writ petition being W.P.A. 26263 of 2018 is disposed of by directing the Director General, West Bengal Fire & Emergency Services being the respondent no.2 herein, to consider the prayer of the petitioner for appointment to the post of Auxiliary Fire Personnel in the district of Nadia in case there are available vacancies in such posts in the

concerned district and if the petitioner is found otherwise eligible and / or entitled to be appointed to the said vacant posts in accordance with law. In the event vacancies are available and the petitioner is found eligible and is entitled to be appointed to the post-in-question, such appointment be given as expeditiously as possible. The entire exercise is to be completed within a period of eight weeks from the date of communication of this order to the concerned respondent authority.

The learned Advocate appearing for the petitioner submits that the private respondents are similarly situated with that of the petitioner and are entitled to the same relief. In view of such submission it is observed that it would be open to the concerned respondent authority to also consider the case of the private respondents along with the case of the petitioner in case they are also entitled to and are eligible for appointment to the posts-in-question.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)

