

S/L 9
28.8.2023
Court No.26
SD

WPA 29617 of 2016

Md. Sahidul Islam
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Mr. Sankha Biswas

...for the Petitioner.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas

...for the State.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner has challenged the appointment of the private respondent being respondent no.6 herein to the post of temporary MMR by order dated July 18, 2016.

The petitioner submits that on January 15, 2014 the petitioner was recommended by the District Registrar, North 24 Parganas and the respondent no.6 had not been considered as he had not submitted attested copy of documents. This recommendation was not acted upon by the Government.

On May 24, 2016, the Secretary, Judicial Department, Government of West Bengal, upon consideration of the educational qualifications of the nine candidates, accorded approval for appointment of respondent no.6 for having better educational qualification. It is also seen from the documents that Md. Bakibillah had secured 615 marks as compared to 496 marks secured by the petitioner.

Upon perusal of the documents including the affidavit-in-opposition and affidavit-in-reply, I do not find any mala fide action on the part of the respondent authorities.

It is to be noted that no right had accrued to the petitioner and therefore, the appointment of respondent no.6 is in accordance with the rules and regulations and cannot be annulled at this stage. Accordingly, this matter requires no interference by the writ court.

In light of the same, WPA 29617 of 2016 is dismissed.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)