

24.3.2023
JL.1.Ct.19
sn

W.P.A. No. 697 of 2023
Chanchal Kumar Ghosh & Ors.
Versus
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya
Mr. Joydip Basu
Mr. Subhasish Mishra
....for the Petitioners.

Mr. Subir Kumar Saha..Ld.AGP
Mr. Bikramaditya Ghosh
...for the State-respondents.

The petitioners allege that the recruitment process for promotion of eligible Sahayaks to the post of Gram Panchayat Secretaries, was vitiated on the following points:-

A)The name of 'Mantu Mia' was appearing at Serial No.58 of the aforesaid list and his category had been wrongly treated as 'SC'.

B) Rasidul Jamal's name was appearing at Serial No.71, but his date of birth indicated that he was about to retire on 31.03.2023.

C) The name of 'Pradip Manta' was appearing at Serial no.80, although he had died on 05.02.2023.

D) The names of 80(eighty) eligible Sahayaks had been published for promotion to the post of Gram Panchayat Secretary, whereas, the Government Order dated 07.03.2017 clearly specified

that the number of candidates called for the examination would be 5(five) times of the available vacancies.

Further contention is that some persons below the petitioners in the gradation list, had been found to be eligible.

A report has been prepared by the District Panchayat and Rural Development Officer(DPRDO), the respondent no.4 herein, which is taken on record. As per the report, it appears that the draft gradation list had been published on January 17, 2023 and objections were invited from all concerned within 30 days. 9(nine) objections were received.

On February 17, 2023, objectors were asked to appear for hearing. The hearing was held on February 22, 2023 and the petitioner nos. 1&2 were present. The contention of the said two petitioners was that their names should appear at higher positions in the gradation list. The petitioners failed to produce any document in support of such claim.

The final gradation list was published on February 28, 2023. The petitioner no. 3 did not raise any objection with regard to the gradation list. The objections of the candidates were not found to be incorrect. The list of eligible candidates were published by maintaining the ratio of 1:5. Call letters

were issued to all the eligible candidates. For all categories, five persons per vacancy were called.

The contention of the petitioners with regard to Mantu Mia was found to be correct. Inadvertently, Mantu Mia was enlisted as an 'SC'. The mistake was rectified.

Rahidul Jamal, would still be in service at the time of the promotional examination. The authorities decided to give him a call letter as he was within the zone of consideration.

With regard to the death of Pradip Manta, the information did not reach the authority within time. After the information was received, the name of Pradip Manta was deleted. The call letter was revoked and the next eligible candidate had been called for the promotional examination.

The petitioners were not called for the promotional examination, as they were not within the zone of consideration. As per the gradation list under the UR category, 60 persons were called.

This Court does not find any illegality in the action of the authorities.

It is made clear that the authorities will abide by their statements in the report, which has been filed before this Court.

It is also made clear that once the rectifications had been effected, no further mistake shall occur during the process.

No person junior to the petitioners in the same category as per the gradation list, shall be given promotion.

This writ petition is disposed of.

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

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

(Shampa Sarkar, J.)