

Dd **99 22.11.2023**

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

MAT 166 of 2023
with
I.A NO: CAN 1 of 2023

Abuhena Md. Mustafa Kamal
Vs.
The Stat of West Bengal & Ors.

Mr. Debjit Kundu, Advocate
... .. For the Appellant

Mr. Hirak Barman,
Mr. Sourav Sarkar, Advocate
... .. For the State

Mr. Raja Saha, (via VC)
Mr. Bedudhruti Bose,
Mr. Subham Chanda, advocates
.. ...For the Jalpaiguri Central Co. Bank

Mr. Momenur Rahman, Advocate
... ...For the private respondent no. 8

The appeal is directed against an order dated August 25, 2023 passed by the learned single Judge in WPA 150 of 2019.

By the impugned order, the learned Judge found disputed questions of fact involved and, therefore, refused to grant relief to the writ petitioner.

The appeal is at the behest of the writ petitioner.

Learned advocate appearing for the writ petitioner draws the attention of the Court to the advertisement relating to the selection process. He

submits that, experience in banking sector was a preferable requirement. The respondent No. 8 was without such banking experience. Consequently, respondent No. 8 could not be granted appointment.

Bank and respondent no. 8 are represented.

A selection process was undertaken by the bank by an advertisement bearing No. 01/2016. The minimum qualification and experience prescribed in the advertisement for the selection process is Class VIII pass and experience in banking sector preferable.

It is not disputed before us that the respondent No. 8 is Class VIII pass.

Essential qualification prescribed, therefore, of pass of Class VIII was fulfilled by the respondent No. 8.

It is the contention of the writ petitioner that, the respondent No. 8 does not possess experience in banking sector.

Possession of experience in banking sector is a preferable qualification prescribed in the advertisement process.

Moreover, the selection process is of the year 2016.

Learned advocate appearing for the Bank submits that all appointments were granted in the year 2017.

The writ petition was filed in 2019.

There is unexplained delay in invoking the writ jurisdiction of the High Court by the writ petitioner.

Moreover, on merits also, we find that the respondent No. 8 fulfils the essential qualification prescribed. There is no material on record to suggest that the respondent No. 8 does not possess the

preferable experience prescribed in the selection process.

In view of the discussions above, MAT 166 of 2023 along with connected application are dismissed without any costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)