

22.11.2023
Sl. No.37
srm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

W.P.A. No. 2540 of 2023

Paritosh Chandra Sarkar
Versus
The State of West Bengal & Ors.

Mr. Debajit Kundu

....for the Petitioner.

Mr. Hirak Barman,
Mr. Pretom Das

.....for the State-respondent.

Affidavit-of-service is taken on record.

Pursuant to an advertisement published by the Chairman, District Level Selection Committee, Coochbehar for recruitment to various posts in gram panchayat and panchayat samiti in the district of Coochbehar, the petitioner applied for the post of clerk-cum-typist under the unreserved exempted category [UR(EC)].

The written test was held on November 26, 2017. The petitioner claims to have passed the written test. The petitioner also appeared before the interview board on December 7, 2017. Two vacancies were notified for the UR(EC) and the total vacancy was seven in the said post.

Upon completion of the selection process, the result was published and the list of candidates selected for the post of clerk-cum-typist were four, although the vacancy announced were seven. According to the petitioner, two vacancies had been advertised for the post of clerk-cum-typist under the UR(EC).

The petitioner made queries under the Right to Information Act, but according to the petitioner the queries were not answered. The petitioner filed a representation before the District Magistrate, Coochbehar.

It is a settled law that the recruiting authority is not bound to fill up all posts which have been advertised. Secondly, the contention of the petitioner is not backed by any substantial evidence. Thirdly, no direction can be given upon an employer to fill up all the notified vacancies and the employer is at liberty not to fill up the same for justifiable reasons.

Under such circumstances, no mandamus can be issued upon the respondents. However, the petitioner is entitled to know his marks and also the marks of the last selected candidate if any, in the category for which the petitioner applied for appointment, i.e., to the post of clerk-cum-typist under the UR(EC).

The writ petition is disposed of with a direction upon the District Panchayat and Rural Development Officer, Coochbehar to intimate the petitioner the marks obtained by the petitioner and the marks obtained by the persons, if any, appointed to the post of clerk-cum-typist under the UR(EC) pursuant to the advertisement and recruitment drive initiated vide recruitment notification dated December 5, 2013.

The entire information shall be given to the petitioner within a period of three months from the date of communication of this order.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)