

26.02.2024
Court No.13
Item No.115
AP

WPA 782 of 2024

**Palas Pal
Vs.
The State of West Bengal and Ors.**

Mr. Samarjit Ghosal

... For the Petitioner.

Mr. Sauvik Nandy

... For the PSC.

1. The writ petitioner challenges a selection process of direct recruitment to the post of Director in the MSME, West Bengal. The selection process was conducted by the West Bengal Public Service Commission.

2. Admittedly, candidates employed within the MSME in the State were called for interview in the selection process.

3. The writ petitioner's grievance is that he is more senior, experienced and qualified than the selected candidate.

4. It is now well-settled that in a selection process for direct recruitment, seniority and experience of an individual may not be the sole criteria for selecting a candidate. The PSC is an independent organization, not connected with the MSME. There cannot be any allegation of bias or prejudice against the writ petitioner.

5. In these circumstances, this Court is of the view that no relief can be granted to the writ petitioner.

6. The writ petition has been entertained notwithstanding the Administrative Tribunal Act, 1985 where the grievance in this nature ought to be adjudicated before the State Administrative Tribunal, given the complete absence of merit and the legal expenses for the parties to approach the Tribunal.

7. The point of jurisdiction has not been entered into or pronounced upon by this Court.

8. The writ petition, therefore, fails and hereby dismissed.

9. There shall be no order as to costs.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)