

22.03.2024
Court No.13
Item No.22
pk

WPA 2956 of 2024

Anand Pandey
Vs.
The Chairman cum Managing Director,
Coal India Limited and Ors.

Mr. Anand Pandey

... Petitioner (in-person).

Mr. Shamit Sanyal

Ms. Manika Roy

... For the respondent nos. 1 to 3.

1. The Coal India Limited has filed a report by way of affidavit, which is taken on record.

2. It appears from the report that the petitioner had not uploaded the requisite documents pertaining to minimum eligible qualification i.e. Company Secretary Passing Certificate (Executive and Professional) and Associate/Fellow Membership Certificate.

3. The petitioner submits that he had in fact uploaded the same. This is disputed by counsel for the respondents.

4. It appears from the report that while short listed candidates at the first instance in the post for Company Secretary(CS) under the recruitment process, a number of candidates were found with higher marks than the petitioner, but were not considered and rejected for incomplete application forms submitted.

5. This zone of consideration, therefore, came to be expanded to include more candidates from the merit list,

to maintain the 1:3 ratio for the purpose of final selection. Admittedly, only those candidates qualifying Computer Based Test (CBT) marks candidates are entitled to remain in the provisional category.

6. The scrutiny of documents of candidates was to occur at multiple stages in terms of the advertisement.

7. The petitioner admittedly was considered in the second round after the deletion of the candidates as explained in para 5 above. In the said second round, the petitioner's candidature came to be cancelled since he had not uploaded his qualifications with the first online application form. The petitioner asserts that he had in fact uploaded his certificates in the first online application.

8. The petitioner submits that one post is still vacant and only three posts have been filled up. Counsel for the Coal India Limited submits that he cannot either confirm or deny the same at this stage.

9. Given the facts that it is possible that the petitioner may have in fact uploaded the documents-in-question and the respondents may not have received the same at their end, this Court has no reason to disbelieve either the Coal India Limited or the writ petitioner.

10. This Court proposes as an exception and without precedent on passing the following order in the instant writ petition.

11. The petitioner's candidature may be considered upon physical verification of his qualification and considering the marks he has obtained in the CBT. If the petitioner has more marks than any of the selected candidates, the Coal India Limited shall appoint the petitioner without disturbing any of the persons already appointed. He may even otherwise be considered in the 4th vacant post if it is still remained vacant.

12. It is once again made clear that the aforesaid decision has been passed without it being a precedent and the fact that only the petitioner amongst all rejected candidates has approached this Court.

13. Let a decision be taken by the Coal India Limited within three weeks from date and communicate the same to the petitioner in this regard.

14. The writ petition is disposed of.

15. There will be no order as to costs.

16. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)