

09.07.2024
Court No.13
Item No.8
AP

WPA 6947 of 2024

**Pamita Das
Vs.
State of West Bengal and Ors.**

Mr. Sudipta Dasgupta
Ms. Sinjini Chakraborti

... For the Petitioner.

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal

... For the State.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... For the WBBPE.

Mr. Biswabrata Basu Mallick
Mr. Biman Halder
Mr. Amman Arif Ansari

... For the DPSC, Hooghly.

1. This Court has heard Mr. Biswas, learned counsel for the WBBPE, Mr. Basu Mallick, learned counsel for the DPSC, Hooghly and Mr. Dasgupta, learned counsel for the petitioner.

2. It appears from the submissions that in the recommended list of candidates made by the WBBPE for the year 2020 to the DPSC, Hooghly, the petitioner's name did not feature. This list was published in the website of the Board.

3. The list received by the DPSC, Hooghly, however, indicates the petitioner's name at serial No.10. This list was placed on the notice board of the DPSC, Hooghly.

4. The petitioner cannot be faulted for not looking for her name in the list put up by the DPSC, Hooghly in their notice board since her name did not feature in the website of the Board in the first place.

5. The DPSC, Hooghly however reported that the petitioner did not attend the counseling. They cannot be faulted either.

6. In the 2022 recruitment process, the petitioner believing that she did not succeed in the 2020 recruitment process, participated in the said recruitment afresh. If the petitioner knew of her selection and recommendation of the Board in the year 2020, she would have looked for her name in the list of the DPSC, Hooghly and would appear for counseling. She would not have participated in the recruitment process afresh in the year 2022.

7. This Court also finds that the Board may have got the information from the DPSC, Hooghly that the petitioner was empanelled for counseling and may have assumed that a letter of appointment was issued to her and hence treated her as an in-service candidate.

8. This Court is of the clear view that even a candidate, who knowingly or unknowingly does not appear for the counseling process and otherwise has not been issued a letter of appointment cannot be treated as an in-service candidate.

9. Mr. Biswas, however, in his fairness submits that the writ petitioner's marks in the 2022 recruitment process are higher than the last appointed candidate in her category.

10. In the above circumstances, this Court directs the Board to take steps for issuance of appropriate recommendation after due verification of the petitioner's credentials and documents, to the DPSC, Hooghly for the recruitment process for the year 2022.

11. The petitioner shall produce her testimonials, documents and credentials before the Secretary, WBBPE on 16th July, 2024 at 2 pm. After verification of testimonials and if satisfied, the Board shall issue an appropriate recommendation to the DPSC, Hooghly upon notice to the petitioner by SMS, e-mail and whatsapp. The aforesaid notice shall not be a precedent.

12. The DPSC, Hooghly shall thereupon fix a date within a period of one week from the date of recommendation of the Board, notify the petitioner, conduct counseling for the petitioner and issue necessary orders of appointment.

13. The petitioner's service shall commence from the date of issuance of the appointment letter.

14. This Court records appreciation for the fair submissions of Mr. Biswas and Mr. Basu Mallick.

15. With the aforesaid direction, the writ petition is allowed.

16. There shall be no order as to costs.

17. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)