

27.06.2024
Item No.3
PG/KS
Ct. No.1

**W.P.A.(P) 265 of 2023
With
I.A. No. CAN 1 of 2023
Ramnath Mahato
Versus
The State of West Bengal & ors.**

Mr. Bikram Banerjee
Mr. Soudwip Sutradhar
Mr. Saikat Sutradhar.....for the petitioner

Mr. Samrat Sen, Ld. AAAG
Ms. Amrita Panja Moulick.....for the State

Mr. Debraj Bhattacharya
Mr. Subhrajyoti Bhowmick.....for the respondents
6 & 7

1. This writ petition filed as a public interest litigation seeks to quash all recruitment process conducted by the West Bengal Health Recruitment Board. The allegation is that the candidates, who have been selected, do not possess the essential qualifications.
2. The learned advocate appearing for the Council would submit that they do not offer any appointment and only conduct the courses. Sofar as the stand taken by the respondent/State is concerned, it is submitted that the notification clearly stipulates that participation in the examination and the interview process shall be deemed to be provisional, subject to the determination of the eligibility of the candidates in all respects.
3. The learned advocate for the Council further submits that certain persons had filed an application in O.A. 253 of 2023 before the West Bengal Administrative

Tribunal concerning the very same recruitment process and the application was dismissed as withdrawn by order dated 11th July, 2023.

4. This writ petition has been filed alleging that some of the candidates have failed in the examination, which has to be given for the essential qualification, cannot be gone into in the absence of those candidates.
5. In any event, a recruitment process cannot be interdicted or cannot be interfered with in a public interest writ petition, more particularly, in the facts and circumstances of this case. Therefore, no order can be passed in this writ petition.
6. However, it will be open to the petitioner to pursue his claim before the appropriate authority in accordance with law.
7. With the above observations, the writ petition is dismissed.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T.S SIVAGNANAM)
CHIEF JUSTICE**

(HIRANMAY BHATTACHARYYA, J.)