

20.06.2024
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WPST 119 of 2024

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IA No.: CAN 1 of 2024 [App. order]
Dr. Krishnendu Saha & Another
- Versus -
The State of West Bengal & ors.

Mr. Masud Karim
... for the Petitioners.

Mr. Amal Kumar Sen,
Mr. Swapan Kumar Pal
... for the State/Respondents.

The present writ petition has been preferred challenging *inter alia* an order dated 15th May, 2024 passed by the learned Tribunal in the original application (hereinafter referred to as the OA), being OA 58 of 2024. On 15th May, 2024, the petitioners presented the written notes of arguments and a copy of the same was served upon the learned advocate appearing for the respondents and the matter was fixed for further hearing on 26th November, 2024.

We have been informed that a miscellaneous application, being MA 34 of 2024 has also been filed by the petitioners in the OA and the same has also been fixed for hearing on 26th November, 2024.

Mr. Karim, learned advocate appearing for the petitioners submits that the learned Tribunal did not consider the petitioners' prayer for grant of an interim order to keep two posts of Homeopathic Lecturers vacant since the petitioners were illegally denied

participation in the selection process for appointment to the concerned post in Government-run Homeopathic Medical Colleges & Hospitals in West Bengal.

He further argues that the petitioners were entitled to enjoy the benefits of age relaxation in the light of the observations made in the order passed in WPST 246 of 2011. The petitioners were even not given an opportunity to participate in the selection process though they were entitled to age relaxation as exceptionally qualified candidates. In view thereof, the respondents need to be directed to keep two posts vacant.

Mr. Sen, learned Additional Government Pleader appearing for the State respondents denies and disputes the contention of the petitioners and submits that the petitioners were not eligible to apply for the concerned post and as such, the question of grant of any interim protection does not arise, moreso when identical relief was refused by a co-ordinate Bench of this Court in a writ petition filed in connection with OA 58 of 2024.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The order impugned reveals that the earlier direction of this Court passed in WPST 47 of 2024 was taken into consideration by the learned Tribunal and the

matter was heard and made returnable for further hearing on 26th November, 2024.

Records reveal that an earlier order dated 11th March, 2024 passed by the learned Tribunal in OA 58 of 2024 was challenged before this Court by filing a writ petition, being WPST 47 of 2024 alleging *inter alia* that the learned Tribunal did not consider the petitioners' prayer for grant of an interim order towards participation in the interview which was being conducted up to 14th March, 2024. Upon contested hearing the petitioners' prayer for interim order was refused by a co-ordinate Bench of this Court on 13th March, 2024. The said order has not been challenged by the petitioners before the appropriate forum. Though there had been no change in the circumstances, the petitioners have again approached this Court reiterating their prayer for interim order.

In the said conspectus, we do not find any infirmity in the order impugned warranting interference of this Court.

The writ petition, being WPST 119 of 2024 and the connected application, being IA No.: CAN 1 of 2024 are, accordingly, dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Supratim Bhattacharya, J.) (Tapabrata Chakraborty, J.)