

27.06.2024
Item No.05
Crt.No.02
b.r.

WPA 16371 of 2024

Abed Ali Khan
-vs-
The State of West Bengal & Ors.

Mr. Atarup Banerjee
Mr. Abu Sohel
Mr. Rajdeep Pramanik
.... For the petitioner.

Mr. Amal Kumar Sen, Ld. AGP
Ms. Ashima Das (Sil)
.... For the State.

Mr. Srijan Nayak
Mr. Asis Dutta
... for the REsp. no. 2

Mr. Rajdeep Mazumder
Mr. Pritam Roy
Mr. Sarthak Mondal
... for the REsp. nos. 4 to 6.

Affidavit of service filed in Court today, is taken on record.

The writ petitioner claims to be a Member and Shareholder of **Samabay Krishi Unnayan Samiti (SKUS)**, who seeks to challenge the recruitment process of the concerned Co-operative Bank on various counts.

Mr. Atarup Banerjee, learned counsel, appears for the petitioner.

Mr. Srijan Nayak, learned counsel appears for respondent no.2 has raised the point of maintainability of this writ petition.

Mr. Pritom Roy, learned advocate led by Mr. Rajdeep Mazumder, learned counsel appears for respondent nos. 4 to 6. He has also raised the point of maintainability of the writ petition.

Mr. Amal Kumar Sen, learned Additional Government Pleader appearing with Ms. Ashima Das (Sil), learned advocate for respondent no.1/the State-respondent.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record at the threshold it appears that the legality and validity of the recruitment process has been challenged by the writ petitioner. The status and description of the writ petitioner is pleaded in **Paragraph-2** of the writ petition.

This Court is of the view that, a recruitment process can only be challenged by an eligible candidate who is eligible to participate in the recruitment process or by a candidate who has already participated in the recruitment process with eligibility, in terms of the recruitment conditions. In the instant case, the petitioner does not belong to either of the said two classes. The petitioner merely is a member and shareholder of the SKUS, at the highest, a beneficiary and constituent of the Co-operative Bank. It is not the

case of the petitioner that he is an eligible candidate to participate in the recruitment process in any manner.

Accordingly, this Court is of the firm view that, the petitioner does not have any right or locus to challenge the recruitment process of the Co-operative Bank on any count whatsoever.

Since the affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

In view of the forgoing reasons and discussions, this writ petition, **WPA 16371 of 2024** stands **dismissed**, without any order as to costs.

(Aniruddha Roy,J.)