

June 21, 2024
Sl. No.14
Court No.13
s.biswas

WPA 18107 of 2012
With
CAN 1 of 2024

Abu Taher Molla and others
vs.
State of West Bengal and others

Mr. Phatik Chara Das
Ms. Soma Chowdhury (Bondhu)
Ms. Tithi Paul
... for the petitioners
Mr. Ratul Biswas
... for the DPSC, Howrah
Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha
... for the State

1. Recall is sought for of the order dated 1st May, 2024, passed in WPA 18107 of 2012. The writ petitioners participated in the selection process conducted by the DPSC, Howrah originally in the year 2009 that was held de novo in the year 2014. The writ petition was dismissed, since it was submitted the petitioners did not have participated in the de novo selection process.
2. It is now submitted by learned counsel for the writ petitioner no.1 and 12, namely, Abu Taher Molla and Hemanta Das, that they had in fact participated in the de novo selection process in the year 2014.
3. Learned counsel for the Board, DPSC, Howrah would submit that since the main cause of action is the de novo selection process itself, the petitioners should not get the benefit of the

order of this court's order dated 9th April, 2024 passed in WPA 3268 of 2015 (Sourav Naskar & Ors. vs. The State of West Bengal & Ors.). They have challenged the de novo recruitment process itself in the year 2014.

4. This court is of the view that once the petitioner nos.1 and 12 have participated in the de novo selection, the challenge to such de novo process is rendered nugatory.
5. Since writ petition has been filed in the year 2012 by Abu Taher Molla and Hemanta Das, the two petitioners shall be entitled to the benefit of the order dated 9th April, 2024 as corrected on 12th April, 2024 passed in WPA 3268 of 2015 (Sourav Naskar & Ors. vs. The State of West Bengal & Ors.) and shall be entitled to appointment on the same terms mentioned including scrutiny of their testimonials.
6. The last date for scrutiny of the testimonials of the above, the petitioners shall be deemed to have been extended by reason of this order.
7. CAN 1 of 2024 shall stand disposed of.
8. There shall be no order as to costs.
9. All parties shall act on basis of the server copy of this order.

(Rajasekhar Mantha, J.)

