

20.02.2024

Item no. 628 ML

Dd

**RVW 252 of 2023
With
IA NO CRAN 1 of 2023
IA NO CRAN 2 of 2024
in
WP.ST. 62 of 2013**

**Aksar Ali & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee,
Mr. Ankan Das,
Mr. Dipankar Das, Advocates
... .. For the appellants

Mr. Tapan Kr. Mukherjee, Sr. Adv.
Mr. Pinaki Dhole,
Mr. Arindam Ghosh, Advocates
... ..For the State

In Re : IA NO: CRAN 1 of 2023

This is an application for condonation of delay of 68 days in making and filing an application for review. State is represented.

For the ends of justice, we condone such delay and take up the application for appropriate relief and the review itself for final hearing.

In Re: RVW 252 of 2023
With
IA NO: CRAN 2 of 2024

Learned advocate appearing in support of the review petition draws the attention of the Court to the order dated June 27, 2023. He submits that, the validity of the panel should be

construed to be extended by reason of the order passed by the tribunal from time to time. Therefore, he submits that, the finding of the Court recorded in the order dated June 27, 2023 to the effect that "In our view, the validity of the panel expired with the expiry of one year from the date of communication of the order dated April 20, 2010. As a panelist, no right in favour of the writ petitioners survive such date. In fact, the impugned order, permitting the State to consider the possibility of appointment of the writ petitioners from out of the panel towards future vacancies. In our view, such direction contained in the impugned order, is legally without foundational basis." contains errors.

We perused the materials made available on record.

Three writ petitions were being disposed of analogously by the order dated June 27, 2023 as they emanate out of the same order of the West Bengal Administrative Tribunal dated January 3, 2012.

A selection process was undertaken by the police through an advertisement dated January 14, 2009 for specified declared vacancy, were under challenge before the Tribunal resulting in the order dated January 3, 2012. As noted above, the three writ petitions were directed against such order of the tribunal.

The review applicants participated in the selection process and appeared in the interview. A panel was prepared in respect of the selection process which was published on August 14, 2009. Out of the panel, 1247 selected candidates were

given appointments. Out of 1247 candidates given appointment, 30 candidates did not join and the next 30 selected panelists were given appointments according to merit.

Subsequently, the Government decided to recruit 1200 constable and 3100 constables of the West Bengal police from the remaining panelists. Accordingly, second phase of appointments were given from the panel itself. The entirety of the panel was not exhausted.

Questioning such action of the police department, at least four original applications were filed before the tribunal which were disposed of by a common order dated April 20, 2010. By such common order, the tribunal directed the validity of the panel to remain for a period of one year from the date of communication of the order dated April 20, 2010. Parties to those proceedings did not challenge the order of the tribunal dated April 20, 2010. The panel, therefore, remained valid for the period of one year thereafter.

By the order dated June 27, 2023 we find that the validity of the panel remained for a period of one year after the date of communication of the order dated April 20, 2010.

By our order, we set aside operation of the impugned order of the tribunal by which the tribunal permitted the State to consider the applicants for the purpose of giving appointments.

In the facts of the present case, the panel was prepared for a specified period. In any event, the parties are governed by the order dated April

20, 2010 which extended the validity period of the panel for a period of one year from the date of communication of such order.

In such circumstances, we find no error apparent on the fact of record warranting review of the order dated June 27, 2023.

In view of the discussions above, CAN 2 of 2024 along with RVW 252 of 2023 are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)