

01 **14.06.
2024**

Ct. No. 08

Ab

WPCRC 76 of 2024
Arun Kumar Das and others
Vs.
Sri Anil Kumar Mishra and others.

**Mr. Surajit Samanta,
Ms. Sohini Samanta.**

... for the applicants.

**Mr. Sauvik Nandy,
Mr. Subrata Ghosh.**

... for the alleged contemnors.

Pursuant to the order dated 19th April 2024 whereby and whereunder the Rule of Contempt was issued upon the alleged contemnors, the alleged contemnors are present both physically and on virtual mode before us.

The instant contempt application has been taken out by 46 applicants alleging willful and deliberate violation of the order dated 11th May 2023. By disposing of the writ petition originating from an application taken out before the Tribunal, it was recorded that even a candidate, who could not qualify for a physical efficiency test may still be considered for medical test.

The order passed on the said date was categorical that the land losers were permitted to participate in the process of recruitment in such category provided they are qualified in the medical test and the other eligibility criteria, which are found to be in tune with the scheme or on the basis of the different orders passed by the Tribunal and the Court.

Since no affidavit was filed on the said date, the Rule was issued in furtherance of such inaction on the part of the alleged contemnors, but when the matter is taken up today, leave is sought to tender such affidavit, which is now in order. Such leave is granted in pursuit of justice to be rendered to the litigants and to arrive at an ultimate decision in relation to an allegation made in

the contempt application at the behest of the applicants.

It appears from the affidavit filed by the alleged contemnors that out of 46 applicants, 43 applicants have already been favoured with the letter of appointment except the applicant nos. 4, 23 and 36 respectively. It is further disclosed that the applicant nos. 4 and 36 despite having received the call letter or a letter inviting to appear for the medical test, did not turn up.

The aforesaid fact could not be disputed by Mr. Surajit Samanta, learned Counsel appearing for the applicants. Since the said applicants have chosen not to participate in the process despite the order of the Court, we do not find any incongruity in the decision of the authorities in not considering their candidatures as of now.

So far as the applicant no. 23 is concerned, it is disclosed that the said applicant is found medically unfit and serious disease has been detected during the course of medical examination. Since the medical examination was directed to be conducted for the purpose of suitability of the land losers to be appointed in such category and having failed, we do not find any impediment on the part of the authorities including the alleged contemnor in not considering her candidature.

Since the compliance has already been made, though belatedly, we do not intend to make any further comment on the delay in due implementation thereof and proceeded to dismiss the contempt application, which, in fact, is done.

The Rule is hereby discharged.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

