

DL-12

03.07.2024
Court No.26
[Bench ID-266231]
(Dd/AD)

MAT 2325 of 2023
With
IA No.: CAN 2 of 2023

Coal India Limited
Vs.
Sujata Bora & Ors.

Mr. Sakya Sen,
Mr. Varun Kedia, Advocates
... .. For the Appellant

Mr. Ayan Dutta, Advocate
... .. For the Private respondent

1. Appeal is against a judgment and order dated August 10, 2023 passed in WPA 970 of 2023.
2. By the impugned judgment and order, the learned single Judge found that the writ petitioner approached the Court after completion of the recruitment process. Learned single Judge taking into all such fact held that, the Court was unwilling to unsettle the rights which accrued in the recruitment process. However, learned Single Judge, proceeded to hold that, the private respondent will be allowed to participate in the present recruitment process in the reserved category of persons with disability. The recruitment process of the private respondent will be considered from the stage of Initial Medical Examination (IME). The private respondent will

be eligible to appear before IME and if found eligible for recruitment, she will be given such appointment as a Management Trainee upon compliance of all necessary formalities, in terms of the appropriate rules/regulation/scheme or guidelines of CIL.

3. During the pendency of the appeal by an order dated June 20, 2024, we called upon the appellant to furnish the following information:

(i) Number of posts put up for selection under the 'Persons with Disability Category' in the said selection process; and

(ii) Whether all such posts were filled up in such category in the selection process involved prior to the date of the interim order passed by the learned Single Judge dated March 27, 2023 or not.

4. Pursuant to the order dated June 20, 2024, appellant produces the requisite information. From such information, it appears that, there were 107 vacancies reserved for Persons with Disabilities. Out of 107 vacancies, 29 vacancies were reserved for Persons with Disabilities under Visually Handicapped category in Personnel and Human Resources discipline.

5. The materials-on-record establishes that, the private respondent herein applied in the category of Persons with Disabilities under Visually

Handicapped category in Personnel and Human Resources discipline. Out of 29 vacancies, 28 were filled up in the subject 2019 recruitment process. Balance one vacancy was carried forward for the next recruitment process, that is, the GATE-2022. The merit panel for the 2019 recruitment process lapsed on March 25, 2022. The date of last joining from the panel was June 13, 2022. Writ petition was filed in 2023, much after the expiry of the panel.

6. The writ petition was, therefore, filed after the expiry of the panel and the conclusion of the recruitment process. Interim order passed therein was passed after the expiry of the panel. Moreover, one vacancy in 2019 recruitment process was carried forward to the next recruitment process. Therefore, directing the authorities to consider the candidature of the private respondent in respect of the same recruitment process or in the next recruitment process from a given stage as directed by the learned Single Judge would be unfair to other participants in the recruitment process as it would violate Articles 14 and 16 of the Constitution.
7. In such circumstances, the impugned judgment and order dated August 10, 2023 is set aside.
8. WPA 970 of 2023 is dismissed.

9. **MAT 2325 of 2023** along with **IA No.: CAN 2 of 2023** are disposed of without no order as to costs.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J.)