

14
12.12.2024
Ct. No. 11
Jayanta

MAT 2238 of 2024
with
IA No. CAN 1 of 2024
Union of India & Ors.
vs.
Rupesh Ghosh & Ors.

Mr. Ashoke Kumar Chakraborty, Ld. ASG
Mr. Ramchandra Agarwal
Mr. Tapan Bhanja
Ms. Rashmi Botra

....For the Appellants.

Mr. Debasish Kundu

....For the Respondent No. 1 & 2.

The present appeal has been preferred by the Union of India and its functionaries challenging the order dated 4th December, 2024 passed by the learned Single Judge in the writ petition being WPA 27055 of 2024.

By the order dated 4th December, 2024, the learned single Judge directed the respondents in the writ petition to constitute a Board for PET by 12th December, 2024. It was further directed that *‘till PET and if the petitioner is successful in PET, the Detailed Medical Examination (in short, DME) and the Review Medical Examination (in short, RME), if necessary, of the petitioner is not held, the respondents and each one of them should not publish the selection and/or merit list recommending the names of the selected candidates for being given appointment’*.

Mr. Chakraborty, learned Additional Solicitor General appearing for the appellants submits that in view of the impugned orders, the selection process pertaining to 46617 candidates all over India would be affected and the selection process would be stalled causing extreme prejudice. Such argument, as advanced, was glossed over by the learned Single Judge and no finding was returned on the same. Such infirmity warrants interference in the present appeal.

In course of hearing Mr. Kundu, learned advocate appearing for the writ petitioners submits that the PET, the DME and the RME have been held and the writ petitioners have emerged to be successful in the same. In view thereof, the writ petitioners' names should be included in the final selection and/or merit list to be published.

Answering our query Mr. Chakraborty submits, upon instruction, that in the event, the writ petitioners emerge to be successfully in the PET, RME and DME, their names shall be included in the final selection and/or merit list.

Since the respondents in the writ petition have complied with the impugned orders and held the PET, RME and DME in respect of the writ petitioners, there exists no hindrance towards publication of the selection and / or merit list. In the event the

petitioners emerge to be successful in PET, RME and DME, their names shall be included in the merit list.

In the said conspectus, no further interference is called for in the present appeal.

With the above observations and directions, the appeal and the connected application are, disposed of.

There shall, however, be no order as to costs. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)