

28.07.2025
(D/L-170)
Ct. No.4
(B.K.N.)

W.P.S.T. 43 of 2024

**Annesha Ghosh & Others
Vs.
The State of West Bengal & Others**

Mr. Ashis Kumar Chowdhury,
Mr. Babhru Bahan Bera,
Mr. Avisek Chatterjee,
Mr. Sudip Jana
...for the Petitioners

Mr. Tapan Kr. Mukherjee, Ld. AGP,
Mr. Somnath Naskar
...for the State Respondents

Ms. Piyali Sengupta,
Mr. Victor Chatterjee
...for the P.S.C.

1. The petitioners having participated in the recruitment process conducted by the West Bengal Public Service Commission for recruitment to the post of Supervisor (Female), only under the ICDS, have filed the Original Application assailing the recruitment process since they were not selected; on the grounds of the same being an unfair recruitment process.
2. It is an admitted position that the final panel was prepared in the year 2024 itself during pendency of O.A. 821 of 2023, out of which the present writ petition arises.
3. In view of the above noted facts and circumstances the Court is not inclined to entertain the writ petition to consider the issue directly. Since the recommendation has already been made in the year 2024, today no

interim order is required to be passed in the matter and. Therefore, there is no urgency that this Court should take up the matter, when the same is pending consideration before the Tribunal.

4. The learned advocate for the petitioner submits that the Tribunal by an order dated 29.01.2024 has directed listing of the issue before a Bench of two Members. There is no second Member in the State Administrative Tribunal for now about three years and, therefore, there is no certainty as to when the matter will be taken up.
5. We find that the petitioners have annexed copy of an order dated 1st March, 2023 passed by a coordinate Bench in the case of ***Jahangir Ali and others –Vs.- The Chairman, West Bengal Police Recruitment Board and others*** bearing ***W.P.S.T. 77 of 2022***. We consider it apposite to extract a portion of the order which reads:

“So long the Chairperson is not appointed, the Single Bench of the Tribunal in terms of the order issued by the outgoing Chairperson shall continue to hear the matter and in the event, it is found that the nature of the case requires consideration by a Division Bench, shall record the reasons in this regard and shall not mechanically postpone the same.

We appreciate the fairness in the stand of the learned Additional Solicitor General and the learned Additional Government Pleader in resolving the impasse, as noted herein above.

With these observations, the writ petition is disposed of.

There shall, however, no order as to costs.”

6. By now it is a settled legal proposition that the Tribunal shall continue to be the Court of first instance for considering such service matters. In this connection we take into consideration the decision of the Apex Court in the case of ***L. Chandra Kumar –Vs.- Union of India and Others*** reported in ***(1997) 3 SCC 261*** as well as ***Rajeev Kumar and Another –Vs.- Hemraj Singh Chauhan and Others*** reported in ***(2010) 4 SCC 554***. The petitioners have thus invoked the Tribunal's jurisdiction by filing an O.A. 821 of 2023.
7. We, therefore, leave it open to the learned advocate for the petitioner to rely upon the order of the coordinate Bench, passed in the case of ***Jahangir Ali (supra)***, before the Tribunal by making an appropriate application for expeditious consideration.
8. With such liberty the writ petition is disposed of.
9. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)