

04.04.2025
Sl. No.72&73(DL)
Ct. No.39
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 366 of 2025

Abdur Rahaman & Ors.

Versus

The State of West Bengal & Ors.

With

W.P.A. No. 21801 of 2024

Farukuddin Ahamed & Ors.

Versus

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya,
Md. Kutubuddin,
Mr. Rajib Bhattacharyya

...for the Petitioners.

Mr. Ansar Mondal,
Mr. Asish Dutta,
Mr. Tanseer J. Mondal

...for the State-respondents.

Affidavits of service filed by the petitioners is taken on record.

The petitioners by way of the present writ petitions have sought for cancellation of the impugned selected list of the candidates published on 13th August, 2024 in terms of the Employment Notification No.1834/P&RD dated 21st September, 2017.

Mr. Partha Sarathi Bhattacharyya, learned Senior Advocate appearing for the petitioners submits that Section 4 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 has not been followed

while preparing the list of the candidates for appearing in the interview. Hence such list is bad in law and should be cancelled in the interest of justice.

Mr. T.J. Mondal, learned Advocate for the State-respondents, in reply, submits that as per the notification the list of candidates successful in the written examination is to be published in descending order which has been made. Further, referring to the order dated 20th February, 2025 passed in CPAN 78 of 2024 in MAT 1826 of 2022, he submits that the State-respondents have already informed the Court that steps have been taken for completion of the final results of the examination. Since the Court taking up contempt application is in *seisin* of the matter, he submits that the prayer of the writ petitioners for making publication of results in a particular form is uncalled for and, therefore, writ petition is liable to be dismissed.

In the earlier round of litigation, writ petition being WPA 16339 of 2021 the following order was passed:

“The writ petition is disposed of with a direction upon Additional Chief Secretary to the Government of West Bengal, Department of Panchayat & Rural Development to take a decision and also to adopt remedial measures as the law permits.

The peculiar situation is that the records of a selection process disappeared leaving the aspiring candidates in a state of anxiety and uncertainty.

The decision should be taken within a period of six weeks from the date of communication of this order. Such decision shall be communicated to the District Magistrate & Collector, Murshidabad and the District Magistrate & Collector, Murshidabad shall intimate the decision to all the Block offices in the District of Murshidabad. Such decision shall be uploaded in the official websites of the

different offices in respect of which the recruitment process had been undertaken once before.

It is made clear that if the authorities decide to start fresh recruitment by cancelling the earlier one, in that event, the candidates who had already participated and other candidates shall be entitled to participate. If any candidate who had participated earlier crosses the age limit in the meantime, he/she shall be allowed to apply afresh. The delay is not their fault. The over age shall be condoned."

The aforesaid order was assailed in appeal being MAT 1826 of 2022 and the appeal was disposed of with the following direction:

"We appreciate such fair stand of the State, We are of the view that since 1,20,633 aspiring candidates participated in the selection process and in the written examination and since the OMR sheets are intact, the process that was earlier initiated should be carried to its logical inclusion in accordance with the applicable rules and law. Any process, if remains to be undertaken shall be undertaken as per the rules, including holding viva voce and skill test"

In the notification dated 21st September, 2017, it is indicated that the candidates will be shortlisted for *viva voce* test from the list prepared in descending order of the marks obtained by the candidates in written examination as fixed up by the DLSC.

Be that as it may, since the final results have not been published a contempt application was filed by the applicants being CPAN 78 of 2024 (in MAT 1826 of 2022), wherein it was submitted on behalf of the State that the final results will be published by 30th June, 2025. Thus, the matter regarding the publication of final results is pending before the Hon'ble Court taking up the contempt application and as such, it would not be proper to test the propriety of the list of successful

candidates published for interview in the present writ petitions.

In light of the above, the writ petitions being **WPA 366 of 2025** and **W.P.A. No. 21801 of 2024** are dismissed.

However, the aforesaid dismissal will not preclude the writ petitioners from canvassing their points in terms of statutory provisions.

There shall be no order as to costs.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)