

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Debangsu Basak
and
The Hon'ble Justice Md. Shabbar Rashidi

FMA No. 1213 of 2024
With
CAN 1 of 2024

Ramesh Das
Vs.
The State of West Bengal & Others.

For the Appellant : Mr. Dilip Kr. Maity, Adv.

For the State : Mr. Avijit Sarkar, Adv.
: Mr. Supriya Majumder, Adv.

For the Respondent
nos. 4-6 : Mr. Pratip Kumar Chatterjee, Adv.
: Mr. Asish Deb, Adv.
: Ms. Maitrayee Chatterjee, Adv.

Heard and : February 10, 2025
Judgment on

Md. Shabbar Rashidi, J.

1. The instant appeal is directed against an order dated July 8, 2024 passed in WPA 20383 of 2023. Appeal is at the behest of the writ petitioner.
2. The writ petitioner filed a writ petition being WPA 20383 of 2023 complaining that he participated in a selection for the post of peon under Kandi Municipality, Murshidabad but the result of the selection process was not communicated to him.
3. By the impugned order learned Single Judge noted that one Rajesh Bagdi was selected and has been working in the post of peon under the Kandi Municipality since 2020.
4. On such a note the learned Single Judge dismissed the writ petition filed on behalf of the petitioner.
5. The Board of Councillors of Kandi Municipality, Murshidabad started a selection process for various posts including that of peon by an Employment Notice no.520/I-KM/EMP/18 dated September 1, 2018. The writ petitioner applied for the post of peon on prescribed format. The Municipal Authorities allowed the writ petitioner to participate in the selection process and issued admit card in his name. The writ

petitioner appeared in the written test conducted for the purpose of the selection for the post of peon. On completion of the written test, the result thereof was published. The writ petitioner qualified in the written test and was called for interview on March 3, 2020.

6. Accordingly, the writ petitioner appeared before the interview board and participated in the interview conducted for selection to the aforesaid post.

7. It is the allegation of the writ petitioner that after the interview, no result was published by the respondent authorities. The writ petitioner later came to know that all the posts sought to be filled up against the aforementioned employment notice were already filled up. In such circumstances, the writ petitioner approached the respondent authorities i.e., Kandi Municipality by representation dated April 24, 2023 followed by a RTI application dated April 28, 2023. However, no reply was provided to the writ petitioner, the writ petitioner filed RTI appeal on June 3, 2023 without any result. He however could not file the second appeal on account of the post of Chief Information Commission, West Bengal lying vacant.

8. In the writ petition, the writ petitioner contended that the petitioner was a qualified youth and he has been wrongfully deprived of his legitimate right to be empanelled for the post of peon under Reserved Category.
9. From the material placed before the record, it transpires that both the petitioner and the private respondent participated in the selection process undertaken by Kandi Municipality which was initiated in the year 2019 and was completed in 2020. On the basis of marks awarded in the written test, conducted for selection for the post of peon, both the appellant and the private respondent were called for interview. Both of them appeared in the interview and were awarded marks. In course of hearing the appeal, learned advocate for the Kandi Municipality placed the merit list prepared at the conclusion of the selection process. From such merit list, it appears that the private respondent secured 39 marks in the selection process and was over all ranked 5th in the selected panel. The appellant/writ petitioner ranked 9th in the said merit list having secured 38 marks. Both the candidates belong to Reserved Category. It was submitted on behalf of Kandi Municipality that the private respondent having secured more marks in the

selection process and ranked higher than the writ petitioner, was offered with the employment. He joined the post and has been working as such since 2020.

10. In the writ petition, the writ petitioner has complained of non-disclosure of the final list prepared at the conclusion of the selection process. No allegation with regard to sanctity of the selection process was ever made in the writ petition. In any case, the writ petitioner participated in the selection process without any objection whatsoever. As such from the aforesaid materials, it transpires that the person with the higher rank in the selection process was offered with the employment and has been working as such.

11. Under such circumstances we find no merit in the present appeal. Accordingly, FMA 1213 of 2024 along with connected application, if any, are dismissed without any order as to costs.

[MD. SHABBAR RASHIDI, J.]

12. I agree.

[DEBANGSU BASAK, J.]