

Court No. 2
Moumita

WPA 30960 OF 2024

Pursuant to the invitation for employment issued by ***Damodar Valley Corporation (D.V.C.)*** the petitioner applied and has received the appointment letter dated ***October 29, 2024 annexure p-3 at pages 29 and 30*** to the writ petition. After receiving the appointment letter the petitioner made representations, last of such representation is dated ***December 17, 2024 annexure p-7 at pages 57 and 58*** to the writ petition with a request to extend the

period time frame for joining in the employment, as to complete **M.Tech** five more months are required by the petitioner. **Damodar Valley Corporation (D.V.C.)** by its impugned communication dated **December 18, 2024 annexure p-8 at page 59** to the writ petition, informed the petitioner that his offer of appointment would automatically stand withdrawn and cancelled if he does not report for medical test and fails to join the employment along with other reasons mentioned therein. The petitioner referring to the **Chapter XII** of the **Handbook for Personnel Officers** submits that, there is a provision for such extension and the petitioner can claim such extension.

Mr. Jayanta Samanta, learned counsel appearing for respondent submits that the provisions laid down under **Chapter XII** of the **Handbook for Personnel Officers** will not apply for the petitioner and since the petitioner has failed to appear at the medical test on the time and date fixed and not joined in the employment, there is no provision to grant any extension, as claimed.

After considering the rival contentions of the parties and upon perusal of the materials on record this court is of the view that the said communication dated **December 18, 2024** cannot be construed to be a communication rejecting the candidature of the petitioner. However, the authority must consider the

representation of the petitioner dated **December 17, 2024**, along with other previous representations submitted by him by passing a reasoned order.

In view of the above, the respondent no. 2 is directed upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

It is made clear that, this court has not gone into the merits of the rival contentions of the parties and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent no.2, but the same shall not travel beyond his representation dated **December 17, 2024**. The respondent no. 2 shall also decide whether the provisions under **Chapter XII** of the **Handbook for Personnel Officers** would apply in the case of the petitioner.

The entire exercise shall be carried out and completed by the respondent no. 2, positively within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner positively within a period of **one week** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner then the respondent nos. 2 and/or the appropriate authority of the ***Damodar Valley Corporation (D.V.C.)*** shall take all necessary and consequential steps to give an effect thereto in accordance with law forthwith.

It is also made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no.2, strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, ***WPA 30960 of 2024*** stands ***disposed of***, without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)