

06.04.2026

Ct. No. 7
M/L.Sl. No. 3
RANJAN

WPA 1433 of 2023

**CHANDAN MAITRA
VS.
THE DISTRICT JUDGE, DAKSHIN DINAJPUR AND ORS.**

Mr. Shyamal Kr. Das
Mr. Pronojit Roy
Ms. Krishna Yadav
Ms. Bushra Neshat
....for the petitioner

Mr. Debjit Mukherjee
Ms. Priyamvada Singh

....for the respondent No. 1 and 2

Ms. Amrita Panja Moulick
....for the State

The grievance of the petitioner is directed against the selection process for the post of Chief Administrative Officer in terms of a decision dated 09.06.2022 taken by the office of the Chairman, District Recruitment Committee–cum-the District Judge, Dakshin Dinajpur. By virtue of such resolution, the respondent authorities had decided to fill up the post of Chief Administrative Officer.

Pursuant to the above resolution three different candidates including the petitioner had applied for the said post. It is an admitted position that after the decision the petitioner who was third in the selection process had filed an application dated 23.09.2022 for review of the decision taken by the respondent authorities.

Pursuant to such application, by an order dated 23.11.2022 the District Recruitment Committee, Dakshin Dinajpur had considered the application for review of the petitioner and dismissed the same on merits. The said decision was also communicated to the petitioner by a communication dated 24.11.2022. The writ petition was filed in or about January, 2023.

A preliminary point is taken on behalf of the respondent that there has been gross suppression and distortion of the true and correct facts of the case. The petitioner despite being fully aware of the order passed in the review application has chosen to suppress the same and has not even pleaded the fact of the decision dated 23.11.2022 passed in the review application.

The review order clearly states that the Scheme and modalities of the selection process was never challenged by any of the candidates appearing for the examination. The three member Committee appointed to adjudicate the selection process gave proper weightage to the seniority and the marks obtained by the candidates appearing for the examination. On averaging out the marks and seniority, the seniority cum merit list was duly prepared. The marks obtained by each of the candidates were also incorporated in the review order in the form of a Tabulation Sheet for better

understanding and clarity. The selection was made based on a unanimous decision of the Selection Committee following the modalities and schemes framed vide notification no. 39-JD/L/2S-23/04(Pt-VI) dated 18 February 2021.

A perusal of the order dated 23.11.2022 *ex facie* discloses that the same is reasoned and has been passed after consideration of the representation of the petitioner and the relevant facts and circumstances of the case. By such order, the review application has been dismissed.

It is well settled through a catena of decision that suppression and non-mentioning of a material fact is a good ground for dismissal of the writ petition. (*Tanaji Jagannath Palave vs. State of Maharashtra and Ors* 2022 SCC OnLine Bom 617, *P.S.G. Ganga Naidu & Sons Charities vs. The Special Commissioner* 2011 (2) CTC 88).

The fact of the petitioner having filed a review petition and a final decision being passed in respect thereof was known to the petitioner at the time of filing of the writ petition. This fact has been intentionally and mischievously suppressed.

It is well settled that the conduct of the petitioner is a relevant and material factor in exercising jurisdiction under Article 226 of the Constitution of India. In view of the gross suppression and material distortion of the true and

correct facts of the case, WPA 1433 of 2023 stands dismissed.

However, there shall be no order as to costs.

(RAVI KRISHAN KAPUR, J.)