

13th May, 2026
Item no.M/L 202
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 8696 of 2026**

In the matter of:
Abhay Sadhu *.... Petitioner*
VS.
The Union of India & Ors. *....Respondents*

For the Petitioner:
Mr. Ashis Kumar Chowdhury
Mr. Babhru Bahan Bera
Mr. Rohan Paul *....Advocates*

For the Union of India:
Mr. Rajen Dutta
Ms. Priyanka Ganguly *....Advocates*

For the ECL:
Ms. Priti Banerjee *....Advocate*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner participated for recruitment in the post of Mining Sirdar (T & S GR. ‘C’) in the Eastern Coalfields Limited pursuant to an employment notice published by the Eastern Coalfields Limited on 19th February, 2022. The computer based examination was conducted on 17th April, 2022.
3. Name of the petitioner did not feature in the list of selected candidates published by the authority on 8th June, 2022. The instant writ petition has been filed by the petitioner in April, 2026 claiming that there are fourteen seats vacant in the subject post on account of non-joining of the selected candidates.

4. It has been submitted that as per Clause 9(XV) of the employment notice, selected candidates is given one month time from the date of issue of the Offer of Appointment to join the Company, failing which the same stands cancelled and the next candidate in the panel list in order of merit is to be issued the Offer of Appointment.
5. It has also been submitted that the last empanelled candidate secured forty marks. The petitioner secured thirty nine marks. He claims to be the 128th candidate in the panel. The panel published by the authority contains name of 127 candidates.
6. It has been contended that as the employment notice mentions about issuance of the Offer of Appointment to the next candidate in the panel in order of merit if the selected candidate does not join within one month, accordingly, the application made by the petitioner seeking issuance of the Offer of Appointment in his favour may be considered by the authority.
7. I have heard the submissions made by the petitioner.
8. Clause 9 (XVI) of the employment notice specifically mentions that the panel will be valid for one year from the date of publication of the list of selected candidates to fill up future vacancies in case a candidate does not join or is declared medically unfit by the IME Board.
9. Clause 9 (XVII) mentions that any dispute related to recruitment of Mining Sirdar will exclusively fall under the jurisdiction of Asansol Civil Court.
10. The list of selected candidates was published by the recruiting authority in April, 2022.

11. The prayer of the petitioner for consideration of his case for issuance of the Offer of Appointment on account of non-joining of the selected candidates cannot be allowed as the subject panel from which the Offer of Appointment will be issued does not remain valid at present. The same has expired way back in April, 2023.
12. Had the petitioner been aggrieved by non-issuance of the Offer of Appointment to him on account of non-joining of the selected candidate, then he ought to have approached the Court within the validity period of the panel. On expiry of the panel there is no scope for passing any order in respect of any candidate of the said panel.
13. Moreover, if the petitioner had any grievance with regard to the recruitment for the post of Mining Sirdar, then the petitioner ought to have approached the Asansol Civil Court for remedy in terms of Clause 9(XVII) of the recruitment notice.
14. The writ petition is devoid of merit. Hence, the same stands dismissed.
15. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)