

Court. 05
Item No.01
06.03.2026
(**Suvendu**)

RVW 66 of 2021
With
CAN 2 of 2026
In
WPST 46 of 2019

Somnath Pal
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey Dhabal
Ms. Sangita Banerjee
..... for the appellant

Mr. Debjit Mukherjee
Ms. Priyanka Jana
....for the respondent no. 2

Mr. Swapan Kr. Dutta, Ld. GP
Mr. Rajat Dutta
....for the State respondents

1. Review application is heard in presence of learned advocates representing the applicant, State respondents and Judgeship of Bankura.
2. By presenting this review application, applicant has prayed for review of the order dated 17th June, 2019 passed by a coordinate Bench whereby writ petition being W.P.S.T. 46 of 2019 was disposed of. Applicant took part in Staff Recruitment Examination, 2013 of Bankura Judgeship but initially he was not selected as

petitioner was awarded 86.67 marks whereas last candidate selected for the post of process server obtained 87.50 marks. Questioning said selection process of 2013 wherein applicant was not selected for the post of process server, a writ petition was filed being WPA 17872 of 2014 and same was disposed of vide order dated 17th June, 2015 with liberty to the applicant to approach an appropriate forum. Instead of preferring appeal against said order dated 17th June, 2015, applicant approached the West Bengal Administrative Tribunal by presenting Original Application being O.A. 825 of 2015. Said Original Application was dismissed by the Tribunal on 1st February, 2018 by returning an observation that no merit was found in that application. Order dated 1st February, 2018 of the Tribunal prompted the applicant to approach the Coordinate Bench with the writ petition being W.P.S.T. 46 of 2019. Writ petition was finally heard and disposed of vide order dated 17th June, 2019. On scrutiny of performance of the applicant in answering multiple choice questions, coordinate Bench found applicant was entitled to benefit of enhancement of marks. Consequently, marks of the applicant was

enhanced from 86.67 to 89.67 which brought the applicant within the zone of consideration for being appointed in the post of process server in connection with Staff Recruitment Examination, 2013 of Bankura Judgeship.

3. However, in paragraph 17 of the order of the coordinate Bench dated 17th June, 2019 it was clarified that in the event applicant accepts offer of appointment in terms of directions as contained in said order he shall not be entitled to claim any benefit with retrospective effect. Without raising any demur applicant accepted said order dated 17th June, 2019 and joined the post of process server on 1st November, 2019. Subsequently, service of the applicant was confirmed with effect from 1st November, 2022.
4. After appointment of the applicant on 1st November, 2019 as process server applicant filed present review application on 12th April, 2021 seeking service benefits from previous date i.e. prior to date of his appointment on 1st November, 2019 by reviewing the order dated 17th June, 2019.
5. Learned advocate representing the applicant submits that if applicant was found to be eligible for being appointed as process server in

connection with Staff Recruitment Examination, 2013 of Bankura Judgeship then his appointment should relate back to a previous date when other selected candidates joined the post of process server and such relief is prayed for by filing present review application.

6. It is rightly pointed out by Mr. Swapan Kumar Dutta, learned Government Pleader representing State respondents that appointment of the applicant was conditional one in view of clarification offered by the coordinate Bench in paragraph 17 of the order dated 17th June, 2019.
7. For better understanding of the issue, we find it apt to quote paragraph 17 of the order dated 17th June, 2019 hereinbelow :-

“17. It is made clear that if the petitioner accepts the offer of appointment, he shall not be entitled to claim any benefit with retrospective effect.”

8. This Court cannot brush aside the fact that without raising any demur applicant joined the post of process server on 1st November, 2019 and thereafter filed review application, which is found to be after-thought. If applicant would have been

aggrieved by the order dated 17th June, 2019 specifically observation made in paragraph 17 of the said order, in that event contemporaneous steps ought to have been taken by preferring appeal against the order dated 17th June, 2019. Relief sought for by filing review application is found to be impermissible at this stage and it transpires to us that this is an appeal in guise of review. Moreover, nothing is demonstrated on behalf of the applicant that there is error apparent on the face of record requiring review of the order dated 17th June, 2019.

9. In aforesaid conspectus, we are not inclined to interfere with the order dated 17th June, 2019 passed by the coordinate Bench.
10. Hence, review application is dismissed. Connection application, if any pending, is also dismissed.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Saugata Bhattacharyya, J.)

