

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)

Case No – OA 954 OF 2017

**SAROJ BISWAS Vs The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;">5</p> <hr/> <p>23.08.2018</p>	<p>For the Applicant : Mr. S. Bhattacharjee Mrs. Souparna Das Advocate</p> <p>For the Respondents: Mr. G.P. Banerjee Advocate</p> <p style="text-align: center;">In this application, the applicant, who had applied in the year 2016, pursuant to an advertisement, for the post of Officer-in-Charge of Korak Observation &amp; Juvenile Home for Neglected Boys, Jalpaiguri has challenged the notification dated 30<sup>th</sup> June, 2017, issued by the District Magistrate &amp; Chairperson, Selection Committee, Jalpaiguri, the respondent No. 2 for filling up the post of Officer-in-Charge on the ground that since the first candidate who was selected pursuant to the recruitment process initiated in the year 2016 had resigned after joining and as the second empanelled candidate had declined to join, as the applicant herein stood third in the panel of 2016, he is entitled to be appointed.</p>	

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	<p>Prayer is that the respondents may be directed by appropriate order to allow the applicant to join the said post after setting aside the fresh notification for retirement dated 30<sup>th</sup> June, 2017 being annexure “P-6” to the original application.</p> <p>Mr. S. Bhattacharjee, learned advocate for the applicant along with Mrs. S. Das, relying on the statements in the application submit that order may be passed on the respondents directing them to appoint the applicant as he stood third in the panel.</p> <p>Mr. G.P. Banerjee, learned advocate for the State respondent submits that since admittedly the first applicant had joined and had thereafter resigned, the panel ceased to exist. Relying on the judgement of the Supreme Court in State of Punjab vs. Raghbir Chand Sharma : (2002) 1 SCC 113, particularly the law laid down in paragraph 4 thereof, it is submitted that since with the joining of the first empanelled candidate the panel prepared pursuant to the 2016 selection process has ceased to exist, this application has no merit.</p> <p>Heard learned advocates for the parties. Admittedly pursuant to the notification dated 4<sup>th</sup> February, 2016 selection process was initiated for filling up the post of Officer-in-Charge of Korak Observation &amp; Juvenile</p>	

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	<p>Home for Neglected Boys, Jalpaiguri. The applicant participated in the selection process. It is stated that he stood third. The first candidate admittedly had joined on 1<sup>st</sup> August, 2016. Thereafter he resigned on 12<sup>th</sup> February, 2017. We find, in view of the law laid down in the judgement in State of Punjab vs. Raghbir Chand Sharma and Another (Supra) the panel has ceased to exist and no one else in the panel can legitimately contend that he should be offered appointment either in the vacancy on account of subsequent resignation of the person appointed from the panel. The relevant portion of the said judgement is as follows :</p> <p style="text-align: center;">“.....With the appointment of the first candidate for the only post in respect of which the consideration came to be made and select panel prepared, the panel ceased to exist and has outlived its utility and, at any rate, no one else in the panel can legitimately contend that he should have been offered appointment either in the vacancy arising on account of the subsequent resignation of the person appointed from the panel or any other vacancies arising subsequently.....”</p>	

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SCN.	<p>Therefore, there is no merit in this application. Hence, no order is passed in this application. The application is dismissed.</p> <p>(P. Ramesh Kumar) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	