

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Justice Soumitra Pal, Chairman &
Hon'ble Sayeed Ahmed Baba, Member (A)**

Case No. – CCP-148 of 2013 [OA 1409 of 2012]

Bishnu Barman & Another - VERSUS – Mr. P.A. Siddiqui, Pr. Secy., Food & Supplies Department.

Serial No. and Date of order For the Applicants : Mr. K. Alam,
Advocate.

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29.06.2022 For the State Respondent : Mr. M.N. Roy,
Mr. B.P. Roy,
Advocates.

This contempt application arises for alleged non-compliance of the directions passed on 30th January, 2013 in OA-1409 of 2012 (Noreen Barlow & Ors. v. State of West Bengal & Ors.). Incidentally, this matter relates to recruitment of Group-D staff under the Food & Supplies Department, Government of West Bengal in the year 2006 recruitment process.

Initially, the Tribunal had passed judgment on the matter. The matters went up to the High Court, Calcutta. The High Court, Calcutta by its judgment and order dated 10th June, 2016 passed in WPST No. 418 of 2012 in Re. Bibhas Chandra Naskar and Others Versus State of West Bengal and Others had remanded the matter to the Tribunal after setting aside the order dated 20th June, 2012 passed by the Tribunal.

The Tribunal by its order dated 8th June, 2022 passed in OA-287 of 2010 Bibhas Chandra Naskar Versus State of West Bengal & Others quashed the appointments of Group-D candidates. Incidentally, in the said matter, despite notice, none of the successful candidates / private respondents therein had come up to contest the proceedings. The penultimate paragraph of the said judgment is as under :

“.....We find despite notice, till date, none of the successful candidates / private respondents have come up to contest the proceedings. Since despite service of notice, none of the successful candidates have come up to contest the instant original application, being OA-287 of 2010, we proceed to deal with the matter. Perusing the judgment of the High Court dated 10th June, 2016 passed in WPST 418 of 2012, we find that the observations made and findings arrived at have neither been diluted in the judgment itself and as submitted by Mr. Sahoo, none of the successful candidates preferred appeal before the higher forum. Since the

ORDER SHEET

Form No.

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High Court has held that the “selection process appears to be farce and eyewash” and as the applicants herein, as it appears from the judgment, have secured numbers less than the cut off marks and as despite notice none of the successful candidates have appeared and contested the original application, the appointments of Group-D staff are set aside and quashed with immediate effect. Since it is evident from the judgment of the High Court that there has been “nepotism and favouritism in the selection process” and the “selection process appears to be farce and eyewash”, the Secretary, Food & Supplies Department, Kolkata, the Respondent no. 3 is directed to lodge complaint against the members of the Selection Committee consisting of five members and others involved before the Police authorities and shall take all steps to bring the wrong doers to book and shall also take departmental action against them within eight weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal. The application is disposed of.....”

Relying on the judgment dated 26.04.2022 passed in RVW 67 of 2019 with IA No. CAN 1 of 2019 (Old No. CAN 5398 of 2019) with IA No. CAN 2 of 2022 in WPST No. 68 of 2015 (State of West Bengal & Others v. Noreen Barlow & Ors.), Mr. K. Alam, learned advocate for the applicant submits that contempt proceedings may continue as the directions are yet to be complied with.

Since the entire recruitment process has been quashed by order dated 8th June, 2022 passed by the Tribunal, the question of appointing wait listed candidates as submitted on behalf of the applicant does not arise. Hence, no further order is passed on the contempt application. The contempt proceedings are dropped. The contempt application is disposed of.

SAYEED AHMED BABA
CSM/SS **MEMBER (A)**

SOUMITRA PAL
CHAIRMAN