

Mr. G.P. Banerjee, learned advocate on behalf of the State respondents referring to the reply, particularly paragraph 5 of the application, submits as the applicant could not qualify as he stood at serial no. 161 among the General candidates and general candidates upto serial no. 157 were given appointment, no order may be passed. Mr. Banerjee further submits that the life of the panel was for one year and recruitment process is of the year 2007.

Heard learned advocates for the parties.

In order to appreciate the issue, it is appropriate to refer to paragraph 5 of the reply, which is as under :-

“With reference to paragraphs 3 and 4 of the said application I deny and dispute all contrary statements except those are matters of record. I say that the applicants after participating in the relevant recruitment process without any demur or protest do not have any locus standi to challenge the recruitment process being unsuccessful in the relevant recruitment process. It is stated that in such view of the case the said application is not maintainable. It may be mentioned that the Food & Supplies Department had published a merit list of 856 candidates. Out of the said 856 merit listed candidates, a panel containing 773 candidates out of which 273 were shown in the waiting list was prepared and published on 5th February’10. Initially 500 Group D Non-PSC posts followed by 150 Group D Non PSC posts were sanctioned with the approval of the Finance Department and Appointment Committee of the Cabinet. The applicant Sk. Ajhar Munir ranked at serial No./ 471 among the General candidates and obtained 41.5 marks. At the end of the entire process the applicant was placed in the panel of waiting list wherein he stood at serial No. 161 among the General candidates. From the Order No. 1301/FS Dt. 01.03.2011 issued by the Assistant Secretary of this

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Department it appears that the candidates upto serial No. 157 (Indrajit Das) in the said wait list, were allotted for appointment..”.

Paragraph 5 has been dealt with in paragraph 7 of the rejoinder, which is as under :-

“....That with regard to the allegation made in paragraph no. 5 of the said reply I deny and dispute each and every statements made thereon save and except what are matters of records. I state and submit that the entire statement of the said paragraph of the reply is made after thought with the intention to deprive the applicant to get an appointment and for that interest answering respondent submitted an unbelievable story which is contrary to the law. Applicant also submits that when sufficient vacancy is available how the respondent authority has not given appointment to the applicant having same status of the last appointed candidate, so considering that fact the Hon’ble Tribunal should have allowed this Original Application by giving a direction upon the respondent authority to give an appointment to the applicant for his demanded post i.e. Group-D staff...”.

Since the statements made in paragraph 5 of the reply have not been dealt with at all in paragraph 7 of the rejoinder, no order is passed in favour of the applicant. Hence, the application is disposed of. No order as to cost.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

Skg.

ORDER SHEET

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