

W.P.S.T. 181 of 2024
With
CAN 1 of 2025
CAN 2 of 2025

Priyanshu Chakraborty & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Kaushik Sarkar,
Mr. Ashok Kumar Nath

...for the Petitioners

Mr. Biswabrata Basu Mallick, Id. AGP,
Ms. Ashmita Chakraborty

...for the State

Re: CAN 1 of 2025 & CAN 2 of 2025

1. The writ petitioner was the applicant before the Tribunal in O.A. No. 385 of 2017 seeking the following relief :
 - (a) To pass an order directing the respondent nos.1, 2 and 3 to take selection process and call for the interview of the Group 'D' staff in 2507 vacant posts in Irrigation and Waterways Department and also allow the applicants to appear in the selection process.
 - (b) To pass such other Order or Orders, direction or directions as Your Lordship may deem fit and proper.
2. Heard the learned counsel for the applicant as well as the learned A.G.P.
3. The learned A.G.P. has raised an objection that the application for restoration has been filed after a delay of nearly 300 days.

4. The learned counsel for the writ petitioner submits that on account of illness of the learned counsel, who was then representing the writ petitioner, there occurred a default in appearance before the Court when the matter was called on 02.12.2024. It is only when the petitioners made enquiry that he could come to know that the writ petition was dismissed in default.
5. We, therefore, find the explanation given by the writ petitioner as well as the reasons for restoration to constitute sufficient cause for restoration of the writ petition. The same is restored to its original file and original number.
6. CAN 1 of 2025 and CAN 2 of 2025 are thus disposed of.

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7. The learned counsel/s representing the parties have agreed to make submissions on merits of the matter pending in the writ petition. This matter arising out of decision of State Administrative Tribunal and is within the present determination of this Bench.
8. We have, therefore, proceeded to consider the writ petition on merits.
9. The West Bengal Administrative Tribunal seems to have rejected the petitioners' original application by taking into consideration a fact that the

recruitment process for recruitment to Group 'D' post in the Department of Irrigation and Waterways in relation to which the petitioners were claiming relief, was completed in the year 2008.

10. The learned counsel for the writ petitioner submits that he would be satisfied if a direction is given that if vacancies arise/occur, the petitioners' claim would be considered.
11. There is no occasion for this Court to give any directions in this regard. It is needless to say that if and when any vacancy is in existence subject to fulfilment of eligibility and in accordance with law, the petitioner or any other person, is entitled to consideration.
12. The Writ Petition being **W.P.S.T. No. 181 of 2024** is accordingly disposed of.
13. There will be no order as to costs.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)