

SUPREME COURT OF INDIA

State of West Bengal

Vs.

Debasis Das

C.A.No.11139 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

01.09.2017

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.25755 of 2016

1. Leave granted.

2. The State of West Bengal is before this Court, aggrieved by the order passed by the High Court of Calcutta dated 11.02.2016 in W.P.S.T. No. 304 of 2010. The issue pertains to selection and appointment to the post of Assistant Investigator in the Bureau of Applied Economics and Statistics.

1 Recruitment Rules and procedures. It is the case of

3. There is a chequered history for the case. The selection process, as a matter of fact, commenced by issuing a Notification on 16.01.2007. On account of certain litigations, the selection could not be finalized. In between, there was an amendment to the the writ petitioners, who were six in number, before the High Court that they have been selected for appointment and any subsequent change in the rules should not affect their prospects.

4. The learned counsel appearing for the State of West Bengal has brought to our notice that there are 75 vacant posts and on account of litigations for the last 10 years, the posts could not be filled up.

5. Having regard to the fact that the selection has been in litigation for quite long and having regard to the fact that only six of them got affected on account of the cancellation of selection, we are of the view that it is only in the interest of equity, justice and fairness that the State appoints those six people in furtherance of the selection already conducted and then take recourse to the selection under the new rules in respect of the remaining vacancies. Therefore, this appeal is disposed of with a direction to the State of West Bengal to appoint

those six private respondents to the post of Assistant Investigators in the Bureau of Applied Economics and Statistics within a period of one month from today.

6. We make it clear that this direction is issued in the peculiar facts of this case for doing complete justice between the parties and, therefore, the same will not be treated as a precedent and no further claim will be entertained before the High Court.

7. No costs.