

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1924/2010

SANKAR MONDAL

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL AND ORS

Respondent(s)

O R D E R

In January, 1999, an advertisement was issued for appointment to the post of Sub-Assistant Engineer (Civil). The appellant appeared in the select panel at serial No.237. The appellant cleared the medical fitness test but his appointment could not take place as the police verification report was not received.

It is the own case of the appellant that he waited for about seven years for getting the appointment letter in terms aforesaid and only thereafter filed an O.A. before the State Administrative Tribunal. His O.A. was directed to be considered and on 01.09.2006 it is stated that the Public Works Department put only one aspect against the appellant i.e. non-receipt of police verification report. In the second O.A. filed by the the appellant, he sought a direction for foregoing the police verification report as he had suffered for about eight years. The Tribunal however, rejected the claim vide order dated 28.02.2008 on the ground that the appellant had not made the representation to know the fate of the

police verification report. But it is the case of the appellant had he had made a representation on 26.06.2007. The appellant thus, assailed the decision of the Tribunal dated 28.02.2008 before the Calcutta High Court. The Division Bench of the Calcutta High Court dismissed the case on 22.12.2008 on the ground that the appellant is a Bangladesh national. The appellant pleaded to the contrary.

The aforesaid judgment has been assailed before us.

We have heard learned counsel for parties.

The fact that the advertisement was of the year 1999 and we are in 2022, i.e. 24 years hence itself is an impediment in any relief to the appellant. However, that itself would not non-suit the appellant as learned counsel for the appellant contends that the appellant is now about 45 years plus hence it is submitted that he still has time to serve out. The fact however, remains that the impediment in the way of the appellant was the lack of police verification report which subsequently went against the appellant.

In our view, in a recruitment process, a candidate cannot be permitted to approach for redressal, howsoever may be the genuineness of the grievance, at any stage of time as there has to be a closure to the process of recruitment. In case of an advertisement dated 1999, the appellant cannot be

permitted to plead that he was waiting for seven long years for getting an appointment letter and then woke up to file the O.A. before the State Administrative Tribunal. This itself is a ground to non-suit the appellant.

In view of the aforesaid, we are not commenting on the factual correctness of the police verification report which is sought to be disputed by the appellant.

The appeal is accordingly dismissed.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[M.M. SUNDRESH]

NEW DELHI,
FEBRUARY 15, 2022.

ITEM NO.105

COURT NO.6

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1924/2010

SANKAR MONDAL

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL AND ORS

Respondent(s)

Date : 15-02-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. Ranjan Mukherjee, AOR

For Respondent(s) Mr. Suhaan Mukerji, Adv.
Mr. Raghent Basant, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Vishal Prasad, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv.
M/S. PLR Chambers And Co., AOR

Mr. Chanchal Kumar Ganguli, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending application(s) stand(s) disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Signed order is placed on the file]