

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11139 OF 2017  
[ @ SPECIAL LEAVE PETITION (C) NO. 25755 OF 2016 ]

THE STATE OF WEST BENGAL & ORS. Appellant (s)

VERSUS

DEBASIS DAS & ORS. Respondent(s)

J U D G M E N T

KURIAN, J.

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.
  
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 Recruitment Rules and procedures. It is the case of 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.

No costs.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ R. BANUMATHI ]

New Delhi;  
SEPTEMBER 01, 2017.

ITEM NO.57

COURT NO.5

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

Petition(s) for Special Leave to Appeal (C) No(s). 25755/2016

(Arising out of impugned final judgment and order dated 11-02-2016 in WPST No. 304/2010 passed by the High Court At Calcutta)

THE STATE OF WEST BENGAL &amp; ORS.

Petitioner(s)

VERSUS

DEBASIS DAS &amp; ORS.

Respondent(s)

Date : 01-09-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Soumitra G. Chaudhuri, Adv.  
Mr. Chanchal Kumar Ganguli, AOR

For Respondent(s) Mr. S. C. Maheshwari, Sr. Adv.  
Mr. Vipul Maheshwari, Adv.  
Mr. Jabar Singh, Adv.  
Ms. Nikhar Berry, Adv.  
For M/s. V. Maheshwari & Co.

Mr. Amlan Kumar Ghosh, Adv.  
Mr. Binod Kumar Jha, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed  
non-reportable Judgment.

Pending interlocutory applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)