

19.7.2023

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WPA 16356 of 2010
with
IA: CAN 1/2017 (Old CAN 3136 of 2017)

Jayanta Choudhuri
Vs.
The State of West Bengal & Ors.

Mr. Kallol Guha Thakurata
Md. Wasim Rahaman
... For the petitioner.

Mr. Pulak Ranjan Mandal
Ms. Bandana Mandal
Mr. Subhrangsu Panda
... For WBCSC.

Re: IA: CAN 1/2017 (Old CAN 3136 of 2017)

This is an application for restoration.

Having considered the averments made in the restoration application, I am of the view that the learned advocate for the petitioner has sufficiently explained the reason for his non-appearance before this Court on March 14, 2017.

Accordingly, the order dated March 14, 2017 is recalled and the writ petition is restored to its original file and number.

CAN 1 of 2017 (Old CAN 3136 of 2017) is allowed.

Re: WPA 16356 of 2010

The petitioner appeared in the selection process for the post of Lecturer of Journalism and Mass Communication following an advertisement published

by the West Bengal College Service Commission in the year 2003.

It is not in dispute that the petitioner's name appeared in the panel of successful candidate at serial no. 2.

The affidavit-in-opposition filed by the College Service Commission suggests that due to non-availability of vacancy, the petitioner's name could not be recommended. The said panel expired on October 07, 2005.

It appears that the petitioner subsequently applied again in the year 2005, but by that time he had become age barred.

In the year 2010 the present writ petition was filed with a prayer to allow the petitioner to participate in the selection process condoning his age bar.

Mr. Kallol Guha Thakurata, learned advocate appearing for the petitioner, refers to paragraph 4 of the affidavit-in-opposition to suggest that the panel was published on September 19, 2005 and therefore, it could not have been lapsed before September 19, 2006. Therefore, he argues that the Commission ought not to have been cancelled the panel before the period of its expiry.

Mr. Mandal, learned advocate appearing for the College Service Commission, submits that the date

“19.9.2004” due to typographical error, had been typed as “19.9. 2005”.

Mr. Mandal has referred to page 21 of the writ petition to suggest that the petitioner himself in his letter dated October 07, 2005 before the Chairman, West Bengal College Service Commission admitted that the relevant panel had lapsed on October 07, 2005.

Having regard to the fact that the interview for the relevant post was held in August 14, 2004, I am of the view that the panel indeed was published on or about 19th September, 2004 and consequently expired after one year.

In any event, in the absence of any provision, the petitioner could not have prayed for condoning his age bar by this Court by filing this writ petition in the year 2010.

Accordingly, **WPA 16356 of 2010** is dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)