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18.09.2020

Through Video Conference

W.P.A. 7334 of 2020

Deepsikha Tapadar

Vs.

State of West Bengal & Ors.

with

CAN 1 of 2020

Mr. Raghunath Chakraborty

Mr. Amrita De

.....For Aliah University

Mr. Subrata Santra

.....For the Petitioner

Mr. Kishore Dutta

.....For the State

In this writ petition, styled as a Public Interest Litigation, the petitioner challenges an advertisement dated 24th September, 2019 issued by Aliah University, Kolkata for filling up teaching posts which have fallen vacant. As a consequential relief the petitioner seeks an order of restraint to prevent the university authorities from holding personal interview scheduled to be held on 18th September, 2020, i.e. today, for filling up the post of Associate Professor of Production Engineering.

We have heard the learned counsel for the petitioner. We are not inclined to entertain this writ petition for the following reasons:-

Firstly, the law laid down by the Hon'ble Supreme Court in the case *Dr. Duryodhan Sahu & Ors. Vs. Jitendra Kumar Mishra (1998) 7SCC 273, Bholanath Mukherjee & Others v/s R.K.*

Mission V. Centenary College & Others (2011) 5 SCC 464 and other subsequent cases is to the effect that a Public Interest Litigation should not be entertained in relation to service matters including matters of recruitment.

Secondly, the public advertisement that the petitioner seeks to challenge was issued about one year back i.e. on 24th September, 2019. There has been inordinate and unexplained delay on the part of the petitioner in approaching the court. The present writ petition was filed two days ago i.e. on 16th September, 2020. The writ court is a court of equity. It is well-known that delay defeats equity.

We are also unable to accept the submission that what is ought to be agitated is the minority rights of the students.

Accordingly, the writ petition is dismissed in limine.

However, there shall be no order as to costs.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)