

WPA 9856 of 2020

**Debabrata Sarkar
Vs.
Union of India & Ors.**

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Mr. Biswaroop Bhattacharya
Mr. Pratik Majumder
... For the Petitioner

Mr. Soumya Majumdar
Mr. Vivekananda Bose
Mr. Victor Chatterjee
... For the Respondent nos. 2 to 5

Ms. Deblina Chatteraj
... For the Respondent no. 6

The petitioner challenges the action of the Indian Jute Industries' Research Association (IJIRA) in taking steps to appoint the respondent no. 6 in the post of "Director".

The primary contention of the petitioner is that the selection process, as required under law, was not followed at the time of selecting the private respondent for appointment in the said post.

It has been submitted that there was no advertisement and public notice was not published seeking applications from eligible candidates. There was absolutely no transparency in the selection process.

The petitioner has relied upon documents to show that on previous occasions advertisement was published inviting applications from eligible candidates. The said process was given a go bye in the instant case.

The petitioner has further relied upon a communication dated 13th February, 2020 written by the Senior Audit Officer of the Office of

the Director General of Commercial Audit & Ex-Officio Member, Audit Board-I, Kolkata wherein it has been recorded that improper selection process, continuation thereof and incurring of expenditure on the post of Director in recurring manner is prima facie prejudicial to the interest of the grants-in-aid.

It has been submitted by the petitioner that a Government Body ought not to act in an illegal manner while taking any decision at the time of selecting the Director of the Association.

The learned advocate appearing on behalf of the respondent authority denies the submission of the petitioner. He has produced before this Court, the advertisement which was published for the post of "Director" in the newspapers - The Time of India (Kolkata Edition) on 12th January, 2019, IJIRA Website on 9th January, 2019, The Times of India (All India Edition) on 15th January 2019, The Economic Times on 16th January 2019, Sunday Times on 20th January 2019 and Ei Samay on 12th January 2019. All the details in support of the selection process were categorically mentioned therein.

It has been submitted that the selection process was initiated in the year 2019 and the same took some time to be complete. It has been concluded very recently in November 2020. It has been denied that there was no transparency in the selection process.

It has further been submitted that all steps adopted by the IJIRA for the purpose of selection its Director were taken strictly in accordance with law.

The respondents contend that even though the petitioner was aware about the selection process he did not participate in the same.

From the annexures it appears that the

petitioner was well aware of the selection process initiated in 2019. He intentionally and deliberately did not participate in the same for reasons best known to him.

A candidate who did not participate in the selection process ought not to be permitted to scuttle the same at the time of its completion.

The allegation of the petitioner that public advertisement was not made does not appear to be a genuine one. Copies of the advertisements have been produced in court.

Accordingly, there is no reason to interfere with this matter.

WPA 9856 of 2020 stands dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)

