

14th December, 2021
(D/L No.19)
(SKB)

WPA 3548 of 2021

Shyama Prasanna Mukherjee and others
Vs.
State of West Bengal & Ors.

Mr. Biswarup Biswas,
Mr. Gora Chand Samanta
... for the petitioners.

Mr. Swapan Kumar Datta,
Mr. Tapas Kumar Mandal
... for the State.

Mr. Pulak Ranjan Mandal,
Ms. Bandana Mandal,
Mr. Subhrangshu Panda
... for the College Service Commission.

Learned counsel appearing for the respondents do not wish to make any submission on the issue of maintainability and urge the merits of the writ petition.

The prayer in the writ petition is for quashing of and cancelling a selection process initiated by the Employment Notification dated 24th December, 2020 pursuant to an advertisement of 2020.

From the submissions of learned counsel appearing for the petitioners and the College Service Commission, it appears that the previous panel was published in 2018 for various subjects for the post of Assistant Professor. The relevant regulation under the West Bengal College Service Commission Act, 2012, Regulation 7(7) thereof indicates that each panel shall remain valid for one year from the date of its

publication by the Commission, or until all the existing vacancies are filled up through recommendation of the Commission, whichever is earlier.

The proviso indicates that no panel shall be invalidated before at least one round of counselling takes place.

In the present case, the previous panel was published in 2018 pursuant to an advertisement of 2018 and the panel in most of the subjects expired save and except in Geography, English and Bengali which continued till January/March, 2021. The advertisement of 24th December, 2020 for the new panel indicated that the life of the previous panel would continue for one year as provided by the relevant Rules. It is the position of the College Service Commission that the petitioner no.1 was empanelled in Geography in the previous panel but could not be appointed since no vacancies were reported in the said subject during the life of the panel i.e. until 5th March, 2021. The life of the present panel pursuant to the advertisement of December, 2020 is till continuing.

Upon considering the material on record, the prayer for cancellation of the second notification dated 24th December, 2020 cannot be granted by the court since the Commission had clearly indicated in the notification of December, 2020 that the life of the previous panel would continue for one year; in this

case till January/March, 2021 in Geography and some other subjects. Cancelling the panel almost after one year from the date of the notification would prejudice a large number of candidates who have applied for the posts pursuant to the notification of December, 2020. The petitioners cannot also be permitted to stall the entire proceedings only by reason of the fact that the petitioners were not appointed during the life of the previous panel.

This court finds no merit either in law or in the facts as urged on behalf of the petitioners for granting the prayer of cancellation of the new advertisement/notification.

W.P.A.3548 of 2021 is dismissed.

There will be no order as to costs.

(Moushumi Bhattacharya, J.)