

19.03.2021
rc/ct.no.10
Item No.01

WPA No. 4193 of 2021

Mr. Debasish Saha ...for the Petitioner

Mr. Swapan Kr. Datta
Mr. Tapas Kr. Mondal ... for the State

Mr. Pulak Ranjan Mondal
Mr. Bandana Mondal
Mr. Subhrangsu Pandafor the WBCSC

The grievance of the petitioner is directed against the refusal on the part of the respondent authorities in complying with the age criteria in the advertisement no. 1/2020 (hereinafter referred to as "**the advertisement**") issued by the West Bengal College Service Commission. The petitioner is a Doctorate.

It is submitted on behalf of the petitioner that under Clause 5(ii) of the advertisement an exception has been created for over aged candidates and they may be considered and call for interview at the discretion of the West Bengal College Service Commission (in short, "**WBCSC**") in the rarest of cases. The petitioner seeks enforcement of this condition. It is submitted on behalf of the petitioner that even though his client is slightly over aged he is not being considered by the WBCSC in terms of Clause 5(ii) of the said advertisement.

The WBCES is represented and submits that the petitioner must make an application before the appropriate

authorities who will consider the candidature of the petitioner in terms of Clause 5(ii) of the said advertisement.

The State is also represented and submits that the aforesaid advertisement has been issued pursuant to the West Bengal Government Notification No. 975 dated December 18, 2020 and the petitioner must make an appropriate application to the State authorities for condonation of the age criteria. In fact, the State authorities rely on the Clause 5(ii) of the advertisement.

After having heard the parties and considering the submissions made on their behalf I am of the view that pursuant to the express language of clause 5(ii) in the impugned advertisement I direct that the petitioner must make an application in accordance with law for condonation of his age to the State authorities who are the appropriate authorities for condoning the age of the petitioner. The Clause expressly confers such power only on the State authorities to consider the case of the petitioner.

In view of the express language of the Clause 5(ii), the petitioner is granted liberty to make such representation to the State authorities in terms of Clause 5(ii).

It is made clear that if the petitioner makes such application within a period of two days from date, the Secretary or the Principal Secretary, Department of Higher Education, Government of West Bengal will consider such

application within 14 days from the date of receipt such application in accordance with law.

With the aforesaid directions this writ petition being WPA No. 4193 of 2021 stands disposed of.

There shall, however, be no order as to costs.

(Ravi Krishan Kapur,J)