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17.08.2021.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 4308 of 2021
(Via Video Conference)**

**Saktipada Raut
-versus
State of West Bengal & Ors.**

**Mr. D.K.Adhikary,
Mr. Dipanjoy Bhattacharya.
...For the Petitioner.**

**Mr. Pantu Deb Roy, Ld. AGP,
Mr. Anand Farmania,
Mr. Panna Lal Bandyopadhyay.
...For the State.**

**Mr. Sankar Prosad Dalapati,
Mr. Sourav Mondal.
...For the Respondent
Nos.5 to 8.**

**Mr. Susanta Gangopadhyay.
...For the
Vidyasagar University.**

**Dr. Bishnupada Dutta.
...For the Respondent No.9.**

The petitioner is serving as a Peon in Mugberia Gangadhar Mahavidyalaya since 2009.

In response to an advertisement published in the Newspaper for appointment of Library Clerk, the petitioner applied for the said post in the year 2019.

He participated in each and every step of the selection process but was unsuccessful in the ultimate selection.

The petitioner presently challenges the selection of the private respondent in a circuitous manner. According to the petitioner, the post of Library Clerk cannot be filled up by way of direct recruitment. The same ought to be filled up by way of promotion from the post of Peon.

The petitioner refers to the First Statutes of the Vidyasagar University. Statute 160 lays down the posts and Statute 163 lays down the provisions for recruitment and promotion in the posts mentioned in Statute 160.

Statute 163 mentions that whenever a permanent vacancy occurs in any of the posts referred to in Sub-Clause (i) of Clause (a) of Statute 160, such vacancy shall in the first place be filled up by promotion from amongst employees holding any of the posts referred to in Sub-Clause (ii) of Clause (a) of Statute 160.

Though the petitioner relies upon the aforesaid Statutes, the petitioner has failed to show that the post of Library Clerk which was advertised for filling up falls within the posts mentioned in Statute 160.

The learned advocate appearing for the College submits that the post of Library Clerk has recently been sanctioned by the University and accordingly, steps were taken for filling up the said vacancy.

The learned advocate appearing for the College further submits that the private respondent being successful in the selection process has been given appointment and he has joined the post.

It has been submitted that the petitioner being an unsuccessful candidate has approached this Court after participating in the recruitment process.

I am not convinced by the submission made on behalf of the petitioner that the post of Library Clerk is to be filled by way of promotion from the post of Peon. The Statute does not say so.

It is very clear that the petitioner being unsuccessful in the recruitment process has approached this Court to scuttle the selection after the private respondent was declared successful.

The writ petition does not call for any interference. The same is accordingly, dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)