

14.09.2021
SL No. 7
Court No. 24
(P.M.)

WPA 6262 of 2021

Koushik Goswami
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Biswarup Biswas
... for the petitioner

Mr. Pulak Ranjan Mondal,
Ms. Bandana Mondal,
Mr. Subhrangshu Panda
... for West Bengal
College Service Commission

Mr. Supriya Chattopadhyay.
Mr. Suman Dey
... for the State

The petitioner participated in the selection process for being appointed as Assistant Professor in Chemistry in terms of the advertisement published by the West Bengal College Service Commission being No. 1 of 2018.

In his application the petitioner mentioned that he had the experience as Guest Lecturer for the period 1st July, 2014 to 15th August, 2018 and the Post Doctoral experience from 19th August, 2013 to 13th June, 2014 and thereafter from 22nd July, 2015 till 31st August, 2017. The Commission awarded two marks to the petitioner in respect of his experience.

According to the petitioner, he is entitled to get one more mark. The petitioner has relied upon document to

show that he possessed necessary experience that was mentioned in his application.

The Commission through the Chairperson has filed a report dated 8th April, 2021 before this Court. The same mentions that from the available records there is no Post-doctoral research certificate enclosed with the application of the writ petitioner. The certificate from the Florida Atlantic University where he worked as Post Doctoral Associate is for a period less than one calendar year.

The petitioner submitted a joining report under a Fellowship dated 22nd July, 2015 in the department of Chemistry, University of Kalyani but such document is not able to explain the period or the number of days for which he worked therein.

The report filed by the Commission has a document annexed dated 24th July, 2019 issued by the Professor, Department of Chemistry, University of Kalyani which specifically mentions that the petitioner was engaged as Post-Doctoral fellow from 22nd July, 2015 till 31st August, 2017. During the tenure one of his papers was published in a reputed international journal.

It appears from the report that the aforesaid document issued by the University of Kalyani was not taken into consideration by the Commission at the time of assessment of marks of the petitioner.

The petitioner relies upon an unreported judgment dated 9th September, 2021 passed by this Court in the

matter of Amal Kanta Giri – vs – The State of West Bengal & Ors. in WPA 4138 of 2021 wherein direction was passed upon the Commission to award necessary marks to the petitioner provided there are documents in support of Post-Doctoral research experience.

In the present case also there are documents to show that the petitioner possessed the requisite experience as reflected in his application.

The petitioner made representation before the Chairperson of the Commission on 21st January, 2021 giving the details of his experience. The same has not been considered by the respondent authority till date.

In view of the above, the instant writ petition is disposed of by directing the concerned authority of the West Bengal College Service Commission to take a decision with regard to the prayer of the petitioner for awarding one extra mark over and above what has been awarded to the petitioner upon consideration of the supporting documents with regard to his experience. A decision shall be taken by the Commission at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order.

The petitioner shall forward all the necessary documents in his support at the time of communicating the order of the Court.

The petitioner shall also forward a copy of the judgment delivered by this Court in the matter of Amal Kanta Giri (supra) for ready reference of the Commission.

In the event, the Commission is of the opinion that the petitioner is entitled to any extra mark over and above what has been awarded to him, in that case, the extra mark shall be added to the existing mark of the petitioner, and if after addition of the extra marks the position of the petitioner in the provisional merit panel changes, then the petitioner shall be appropriately placed in the provisional merit panel. If thereafter the petitioner falls within the zone of consideration, then the recommendation letter is to be issued in his favour, notwithstanding the fact that the panel in question expired in the meantime.

In the event all vacancies have been filled up in the meantime, then a vacancy shall be adjusted from the next advertisement published by the Commission being No. 1 of 2020.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)