

22 & 23
26.03.2021
rrc

MAT 09 of 2021
with
IA NO. CAN 1 of 2021
(Prasenjit Maity & Ors. Vs. The State of
West Bengal & Ors.)

and

MAT 315 of 2021
with
IA NO. CAN 1 of 2021
(Kalyani Das & Ors. Vs. The State of
West Bengal & Ors.)

Mr. Sabyasachi Roy

.....For the appellants

Mr. Amal Kumar Sen, Addl. Govt. Pldr.

Mr. Munshi Mijanur Rahaman

.....For the respondent nos. 1, 2 & 3

Mr. Pulak Ranjan Mondal

Mr. Subhrangsu Panda

Ms. Bandana Mondal

....For the W.B. College Service Commission

By consent of the parties the appeals and the applications are taken up for hearing and dispose of by this common order.

On 5th March, 2021, we permitted the appellants to file online applications without prejudice to the rights and contentions that in terms of the office memorandum dated 9th July, 2019 and the notification dated 2nd September, 2019, the advertisement inviting applications for filling up the vacancies of lecturers in Government Aided Recognized Colleges does not contain any provision for Economically Weaker Sections (in short “EWS”) category.

Today, in course of hearing, Mr. Pulak Ranjan Mondal, learned counsel appearing on behalf of the West

Bengal College Service Commission has drawn our attention to the office memorandum dated 9th July, 2019 1st paragraph, last sentence which makes it apparently clear that the said policy of reservation of EWS is restricted to civil post and services in Government of West Bengal and does not extend to the recruitment of lecturers in Government Aided Recognized Colleges.

In view thereof, we dispose of the appeals by affirming the order passed by the learned trial Judge. The direction that the appellants may be permitted to file the online applications for General Category candidates remains.

The learned counsel appearing for the appellants have submitted that the said memorandum dated 9th July, 2019 insofar as it excludes recruitment of lecturers in a Non-Government Aided Recognized Colleges is discriminatory and arbitrary and leave may be given to the writ petitioners to suitably file a fresh writ petition challenging such discrimination.

We only observe that if grounds are available for challenging the said office memorandum, the dismissal of these appeals shall not stand in the way.

The appeals and the applications are disposed of.

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

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

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)