

Court No. 24

09.08.2021

(Item No. 4)

(AB)

W.P.A. 7368 of 2021

(via video conference)

Palash Mandal & Ors.

VS

The State of West Bengal & Ors.

Mr. Tilak Mitra

Mr. Pralay Bhattacharjee

..... For the petitioners

Mr. Swapan Kumar Datta, Ld. AGP

Mr. Tapas Kumar Dey

..... For the State

Mr. Pulak Ranjan Mondal

Ms. Bandana Mondal

Mr. Subhrangsu Panda

..... For the College Service Commission

Mr. Anil Kumar Gupta

Mr. Y. K. Sharma

..... for UGC

Affidavit of service filed in Court is taken on record.

The petitioners participated in the selection process for being appointed as Assistant Professors in the subject Mathematics in response to the advertisement No. 1 of 2018 published by the West Bengal College Service Commission. All the three petitioners are empanelled candidates in the provisional merit panel published by the Commission. As the names of the petitioners appeared in the bottom of the panel accordingly they were not called upon in the counselling stage.

Presently the petitioners filed the instant writ petition praying for quashing and/or setting aside the entire selection process and the provisional merit panel which was published on 13th September, 2019.

The primary allegation of the petitioners is that the vacancy position of the Colleges was not published prior to the advertisement. The same was published after the publication of the provisional merit panel which is contrary to Regulation 3(6) of the Regulations regarding Manner of Selection of Persons for Appointment to the posts of Assistant Professors, Principals and Librarians in Government Aided Colleges in West Bengal as published by the West Bengal College Service Commission.

Further submission is that the Commission has issued notices of re-counselling and have taken into consideration vacancies which arose after the publication of the provisional merit panel. The same according to the petitioners is impermissible in view of the aforesaid Regulations.

The documents which the petitioners rely upon to show that the vacancies which cropped up after the publication of the provisional merit panel is at page 90 of the writ petition dated 26th August, 2020 wherein it has been indicated that the candidates will be chronologically intimated for re-counselling as per the available vacancy received from different colleges. Though the petitioners have submitted that vacancies which arose subsequent to the publication of the panel were taken into consideration for giving appointment, but the petitioners failed to come up

with a single instance to show that subsequent vacancies were filled up by the candidates whose name appeared in the panel.

The petitioners also have a problem with the manner in which marks have been awarded to the candidates. The petitioners rely upon the score pattern for Assistant Professor as obtained under the Right to Information Act. According to the petitioners 20 marks ought not to be allocated for interview in a 100 marks examination.

The score pattern is something which is prepared or is available prior to the preparation of the panel. The petitioners did not care to take the information as regards the score pattern prior to appearing in the examination or even prior to the preparation of the panel. Even after the panel has been prepared the petitioners have not come up with the case that any particular candidate has been favoured at the time of interview. The petitioners are trying to beat around the bush to get a favourable order to stall the selection process.

I am afraid that without the relevant details being pointed out no order can be passed in the instant case.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)