

Court No. 24

27.09.2021

(Item No. 12)

(AB)

**W.P.A 15018 of 2021
(Via Video Conference)**

Narottam Purkait

vs

The State of West Bengal & Ors.

Mr. Amal B. Chatterjee

Mr. Ashoke Kumar Jha

Ms. Moumita Mondal

..... for the petitioner

Mr. Subhrangsu Panda

.....for College Service Commission

Mr. Swapan Kumar Datta

Mr. Tapas Kumar Mondal

..... for the State

The petitioner is a Scheduled Caste category candidate. He intended to participate in response to the advertisement No. 1 of 2020 published by the West Bengal College Service Commission.

The commencement date of online application in terms of the said advertisement was 31st December, 2020. The last date of online application was 15th February, 2021 which was thereafter extended till 15th March, 2021.

The grievance of the petitioner is that he is a few months over aged and accordingly he could not apply in response to the said advertisement.

An application praying for condonation of his age for applying in response to the said advertisement was allegedly served upon the Chairman, West Bengal College Service Commission on 15th February, 2021.

The grievance of the petitioner is that the same has not been considered till date.

The learned advocate representing the College Service Commission submits that the last date for making application ended on 15th March, 2021 and at this point of time it is not possible for the Commission to accept any application from any candidate in response to the said advertisement.

Clause 5(ii) of the advertisement No. 1 of 2020 mentions that exceptionally qualified over-aged candidates having Ph.D Degree, with evidence of significant post-doctoral research work, may be called for the interview at the discretion of the West Bengal College Service Commission only in the rarest cases. But mere participation in the selection process does not entitle the candidate for recommendation unless the over age of the incumbent is condoned by the State Government at its discretion on case-to-case basis, purely on merit, normally not exceeding one percent of the total number of candidates of concerned panel, rounded off to the next whole number.

According to the petitioner, the Commission ought to have exercised discretion in terms of the aforesaid clause mentioned in the advertisement.

The submission of the petitioner cannot be accepted by the Court.

The clause specifically mentions that condonation of age may be made by the State Government only in respect of the candidates who participated in the selection process. Had the petitioner participated in the selection process then only the question of condonation of age arises.

In the present case, the writ petitioner could not apply in terms of the advertisement as he was over aged. The petitioner though made a representation before the West Bengal College Service Commission on 15th February, 2021 but thereafter did not follow up the same. The petitioner ought to have been more diligent with his prayer.

Moreover, from the advertisement it appears that the College Service Commission is not the appropriate authority to take a decision with regard to condonation of age of a candidate. It is the State Government who has the power and discretion to condone the age of over aged candidates on case-to-case basis, purely on merit. The petitioner never approached the State Government with his prayer for condoning his age.

The writ petitioner has approached this Court at an extremely delayed point of time. Showing leniency to the petitioner by entertaining his application praying for condonation of age bar may

open floodgates as the date for filing the application is long over.

In view of the above, no relief can be granted to the petitioner 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.)