

08.04.2021.
Item no. 15.
Court No.13
pk

**W.P.A. No. 18130 of 2019
(IA No. CAN 1 of 2021)
(Through Video Conference)**

**Sri Biswarup Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Subhrangsu Panda

... for the petitioner.

Mr. Prosenjit Mukherjee,
Mr. Nirmalya Kumar Das,
Ms. Madhurima Sarkar

...for the Madrasah Service Commission.

Pursuant to an order of this Court dated 16th July, 2014 passed in W. P. No. 21897(W) of 2013, the petitioner was found eligible for appointment to the post of librarian under the West Bengal Madrasah Service Commission.

Upon being shown vacancies at the time of counselling, the petitioner refused to accept posting in any of the available vacancies. In terms of the Rule 25(7) of West Bengal Madrasah Service Commission Recruitment (Selection and Recommendation of persons for Appointment and Transfer to the posts of teacher and non-teaching staff) Rules, 2010, the petitioner's selection was liable to be rejected.

Contempt proceedings initiated by the petitioner in respect of the order dated 16th July, 2014 have failed and hence the writ petition.

Counsel for the Commission submits that Rule 25(7) (supra) is mandatory and there can be no deviation or exception made in favour of the petitioner.

However, it is indeed an admitted position that there are vacancies available in the post of librarian in some parts of West Bengal.

In the above circumstances and as exception that shall not be cited as precedent, the petitioner may be offered any posting by the Commission anywhere in West Bengal within a period of two months from the date of communication of a copy of this order.

If the petitioner does not join the post offered within ten days thereof, his selection would automatically stand cancelled.

Needless to mention any service benefits to the petitioner, shall abide by the Rules of Madrasah Service Commission and shall be effected from the date of actual joining to the offered post-in-question.

With the aforesaid observations, the instant writ petition is disposed of.

In view of disposal of the writ petition, connected application being CAN 1 of 2021 is also disposed of.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)

