

14.02.2022

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Sl. No. 04

Ct. No. 05

WPA 2142 of 2022

(Via Video Conference)

Md. Anarul Islam

-versus-

The State of West Bengal & Ors.

Md. Sarwar Jahan

Mr. Shahan Shah

..... for the petitioner

Mr. Supriya Chattopadhyay

Mr. Sagnik Chatterjee

..... for the State

Mr. Dipankar Mandal

Mr. Abdul Aziz Mondal

for the respondent Nos. 3 & 4

The petitioner prays for an order allowing the petitioner to participate in the selection process for appointment to a Group-C post-Library Clerk in the concerned College. The admitted case of the petitioner is that on the date of publication of the impugned notice that is, 1st February, 2022, the petitioner was 51 years of age. According to learned counsel appearing for the petitioner, the prescribed age limit is 40 and the petitioner has crossed the age limit on the date of the impugned publication.

The only ground for seeking the prayer for participation is that the petitioner had been appointed to the College as a Clerk on 25th April, 1999 on a temporary basis and had continued to serve the College till date. Counsel relies on a three-

member Bench decision of this Court; *Gobinda Chandra Mondal vs. The Principal, Rabindra Mahavidyalaya & Ors.* reported in (2013)1 CHN 9 in support of his contentions.

According to learned counsel appearing for the State, the post advertised is for Library Clerk which is a different post altogether from the post in which the petitioner was serving the College since 1999. Counsel places the relevant G.O. which have been taken into consideration in the selection process.

The grievance of the petitioner is that the petitioner will not be eligible for the benefit of marks for the concerned post under the relevant G.O. The Notification dated 25th August, 2017, which has been taken into consideration in the present selection process, specifies in Clause-6 that for Group-C posts, candidates engaged on contractual basis in the concerned College for a period of more than two years shall get an additional five marks for working experience in the interview provided the candidate is within the prescribed age limit. The prescribed age limit would appear from Notification of 18th April, 2013 which specifies that the upper age limit for appointment to all Group-C and Group-D posts in all Government aided Colleges shall be 40 years, with immediate effect. The petitioner before the Court

was admittedly not within the prescribed age limit as on the date of the Notice published by the College and hence getting the additional five marks cannot apply to the petitioner. There is no clause in either the 2017 or the 2018 Notifications which provide that candidates who have been appointed on a temporary basis shall be given any additional benefit for the period of service rendered for being considered for the concerned post.

In *Gobinda Chandra Mondal*, this Court held that candidates who have been appointed on an ad-hoc basis without recourse to the Rules, shall be allowed to compete for the posts at the time of regular recruitment after condoning the age requirement provided the candidates are otherwise qualified. The facts in the present case are different and the 2017 or 2018 Notifications have been considered.

Since this Court does not find any merit in this case, WPA 2142 of 2022 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)