

11th March, 2022
(D/L No.18)
(SKB)

W.P.A. 3521 of 2022

Samiran Maity
Versus
The State of West Bengal and others

Mr. Anil Kumar Chattopadhyaya
... for the petitioner.

Mr. Atis Kumar Biswas,
Mr. Sumon Chakroborty,
Mr. Amit Singh
... for respondent no.4.

Mr. Avishek Prasad
... for the State.

Affidavit of service is taken on record.

The only prayed in the writ petition is a direction on the concerned College to consider the representation made by the petitioner on 22nd September, 2021.

According to learned counsel appearing for the petitioner, the petitioner could not join the College despite being appointed to the post of Group-D (Guard) (Unreserved Exempted Category) by reason of the pandemic. The documents, however, show otherwise.

Learned counsel appearing for the College submits that the petitioner was given at least three opportunities to join the College but failed to do so despite such opportunities being given to the petitioner. It is submitted that the College was therefore constrained to

decide that the candidate who stood second in the panel would be appointed in the said post.

Upon hearing learned counsel appearing for the parties, it appears that the last date given to the petitioner to join the said post was 20th September, 2021 as would appear from letter written by the College on 1st September, 2021. The documents in the writ petition including the envelope produced in court indicate that the said letter was however registered on 15th September, 2021 and was received by the petitioner on 20th September, 2021 at 3 p.m., which was the last date on which the petitioner was to join the College. The letter produced by the College dated 16th November, 2021 and signed by the Principal states that the petitioner was given three opportunities to join but failed to do so. The letter also records that the petitioner had stood first in the said panel and was accordingly issued the appointment letter. The letter however does not refer to the fact that the letter dated 1st September, 2021 was registered on 15th September, 2021 and received by the petitioner on 20th September, 2021 which was the last date given to the petitioner for joining the College.

The objection taken on behalf of the College is, therefore, found to be without basis.

W.P.A.3521 of 2022 is allowed with a direction on the College to give one last opportunity to the petitioner to join the said post. The petitioner shall be at liberty of going to the College on 14th March, 2022 itself. The College is directed to take due steps in that regard.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)