

21.06.2022

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WPA 3393 of 2020

Shyamal Biswas & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Debasish Kundu ... for the petitioner

Mr. Swapan Kumar Dutta, Sr. Advocate,
Mr. Tapas Kumar Mondal for the State

Mr. A Roy,
Mr. P.K Ghosh for the respondent nos.3 & 4

Mr. Lakshmi Nath Bhattacharya
.... for the respondent nos.8 & 9

Petitioner challenges the selection of respondent nos.8 and 9 to the posts of Junior Peon in Diamond Harbour Women's University.

Two grounds have been urged by the learned advocate for the petitioner. Firstly, it has been contended that the selection committee should consist of six members as mentioned in Diamond Harbour Women's University Ordinance, 2018. It has, further, been urged that the University did not publish the panel for the posts in question and such omission has vitiated the selection.

It has been contended that as per the said ordinance of 2018, the Standing Committee should act as the Selection Committee and since the Standing Committee comprises six members, the selection in question by a nine-member-committee

should be quashed.

Diamond Harbour Women's University Act, 2012, by virtue of Section 32 authorises the Executive Council to prescribe ordinance for the University. Section 32 is quoted below:

“32. The Executive Council may, subject to the provisions of this Act, prescribe by Ordinances the constitution of a standing committee or standing committees for selection of persons for appointment to the posts of officer and to the other non-teaching posts of the University and the procedure and the methods of such selection.”

Chapter III of the first ordinance deals with the recruitment and procedure, Sub-section (7) of Section 23 under the said Chapter provides as follows:

“23(7) The Standing Committee(S) shall be constituted by the Executive Council in terms of the provisions of Section 32 of the Act in the manner indicated hereafter in the following ordinances”.

In my view Section 32 of the Diamond Harbour Women's University Act, 2012, does not mandate that Standing Committee should act as Selection Committee. Section 32 only authorises the Standing Committee for selection of persons for appointment to the posts of officers and to the other non-teaching posts of the University. The Selection Committee is empowered to prescribe the

procedure and the method of selection which includes constitution of a Selection Committee. In the Act of 2012 or in the Ordinance of 2018, nowhere it has been prescribed that a selection has to be made by a six-member-committee only.

Pursuant to the order dated June 7, 2022, the University has produced the original records pertaining to the selection.

It appears that a nine-member-committee, had prepared a panel of three candidates, and from the said panel the first empanelled candidate was given appointment.

Coming to the second point as argued by the learned advocate for the petitioner, I find that the relevant rules as apparent from the advertisement published on 13th July, 2021, did not require a panel to be published in the public domain.

I do not find any merit in the arguments advanced by the learned advocate for the petitioner.

Accordingly, WPA 3393 of 2020 stands dismissed.

Parties are directed to act on the server copy of this order.

(Kausik Chanda, J.)

