

28.11.2022

Srimanta

Sl. No. 106

Ct. No. 238

WPA/4671/2019

Akash Biswas

-Vs.-

State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.,

Mr. Sabyasachi Mukhopadhyay, Adv.,

Mrs. Koushikee Banerjee, Adv.

...for the petitioner.

Mrs. Nandini Mitra, Adv.

...for the University.

Petitioner applied for the post of Assistant Professor in Bengali language and literature under OBC – 'B' category. He was called for the interview but was not selected for the post.

The petitioner thereafter filed this writ petition praying, inter alia, for the following reliefs:-

- a) A writ in the nature of Mandamus directing the respondent authorities specially the respondent authorities to forthwith declare the result of the earlier interview held on 11th November, 2016 by the selection committee in the University of Calcutta, Senate House, Syndicate Room, Darbhanga Building, 1st Floor, College Street Campus pursuant to advertisement no. Est./2636/2014 dated 19th December, 2014;
- b) A writ in the nature of Mandamus directing the respondent authorities not to proceed with the process of fresh selection initiated vide advertisement no. Est./Advt./6529/2019 dated 13th

- February, 2019 for the purpose of selection in the same post of Assistant Professor in Bengali language and literature under the category OBC – 'B';
- c) A writ in the nature of certiorari calling upon the respondents to produce all relevant records including advertisement no. Est./2636/2014 dated 19th December, 2014 and Est./Advt./6529/2019 dated 13th February, 2019 before this Hon'ble Court so that conscionable justice by declaring the result of the interview held by the selection committee for the post of "Assistant Professor" in Bengali language and literature under OBC-'B' category;
 - d) Any other appropriate writ or writs direction or directions and/or order or orders as your Lordship may seem fit and proper;
 - e) Rule NISI in terms of prayers (a) to (d) above;
 - f) Costs and incidentals to this application may be paid by the respondents;
 - g) Interim order directing the respondent authorities to stall the process of fresh selection initiated vide advertisement no. Est./Advt./6529/2019 dated 13th February, 2019 for the purpose of selection of 'Assistant Professor' in Bengali language and literature under OBC-'B' till the disposal of this writ petition;
 - h) Interim order directing the concerned respondent authorities to keep one post

of 'Assistant Professor' in Bengali language and literature under OBC-'B' category in the University of Calcutta, vacant till the disposal of this writ petition.

Mr. Bhattacharyya, learned Advocate appearing for the petitioner submits that petitioner does not claim for his appointment to the post in question. All that he pray is for publication of the result of the interview.

Mrs. Nandini Mitra, learned Advocate representing the University, on the other hand, submits that the Committee duly constituted for the selection did not find any of the candidates to be suitable to be appointed to the post in question. Therefore, appointment was not given to any of the candidates.

She refers to the resolution adopted by the selection committee on November 11, 2016 for the post in question. Relevant part of the said resolution is reproduced below:-

"Candidates were assessed on their academic attainments including research capability and potential, teaching ability and experience as well as general performance in the interview.

Based on the overall performance, no one is recommended for the post of Assistant Professor (Category) in the Department of Bengali Language & Literature, C.U.

No Name/Names is/are recommended to be kept in the panel as well in order of performance. Candidates in the panel may be considered for appointment if the person selected refuses to join".

By referring to the resolutions of the committee for the other posts, Mrs. Mitra submits

that appointments have been given to the candidates whom the selection Committee considered to be suitable. She further submits that the resolution in question reflects that the research capability and potential, academic attendance, teaching ability, experience and the general performance in the interview were taken into consideration for the purpose of selection and after assessing the overall merits of the candidates the committee took a decision not to recommend anyone's name for the post in question.

She submits that there is no mala fide or arbitrariness in not selecting anyone. The petitioner has not been discriminated with in any way. Even the candidates having Doctorate degree were not considered for the post in question.

Mrs. Mitra submits that the relevant score sheet could not be traced despite the best efforts of the University.

I am of the opinion that when a selection process has been questioned before a Court of law, the University ought to have disclosed the score sheet, if at all prepared by the members of the Selection committee. I am of the view that to demonstrate transparency in selection, the disclosure of the score sheet was essential.

However, having regard to the fact that the Committee found none to be suitable, I do not see any reason to hold that the petitioner has been discriminated with. In fact, the grievance of the petitioner only relates to the publication of result. In view of the stand of the University, no substantial reliefs can be granted to the petitioner. It is expected that the University, to show its bona fide,

in future, will preserve all records including the score sheets pertaining to any selection process.

WPA/4671/2019 is disposed of.

All parties are to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Kausik Chanda, J.)