

4th April, 2022
(D/L No.16)
(SKB)

W.P.A. 5671 of 2022

Dr. Binoy Kanta Sil
Versus
The State of West Bengal and others

Mr. Ranajit Chatterjee,
Mr. Aniruddha Mitra
... for the petitioner.

Mr. Swapan Dutta,
Mr. Rajat Datta
... for the State.

Mr. Amitava Chowdhuri,
Mrs. M. Chowdhuri,
Mr. N. Roy
... for the University.

Affidavit of service is taken on record.

The writ petitioner has challenged a Notification dated 7th March, 2022 of the Joint Secretary, Government of West Bengal, Personnel and Administrative Reforms Department, (WBCS Cell), being respondent no.2, appointing the private respondent being respondent no.5 to the post of Registrar, W.B. University of Fisheries & Animal Science.

According to learned counsel appearing for the petitioner, the private respondent does not have the qualifications as required under the Statues under Section 44 of the West Bengal University of Animal and Fishery Sciences, Act, 1995 (the '1995 Act'). Counsel submits that the concerned Department did not issue

any advertisement or invite any application for filling up the post of Registrar. It is submitted that the petitioner is a qualified and eligible person for the said post. Counsel accordingly prays that the impugned appointment be set aside.

Learned counsel appearing for the University hands up two letters of the University to the Minister-in-Charge, Animal Resources Development Department and to the Additional Chief Secretary to the Government of West Bengal, Animal Resources Development, both dated 23rd March, 2022. These documents contain excerpts of the 107th Meeting of the Executive Council of the University of Animal & Fishery Sciences, held on 22nd March, 2022 which, upon considering the impugned appointment, resolved that the matter may be brought to the notice of the concerned Department of the Government of West Bengal to take up the issue with the Personnel and Administrative Reforms Department for reconsideration of the appointment.

Upon considering these two documents, which are taken on record, this court is of the view that since the Executive Council of the University, which is the highest body of the University, has taken the decision for referring the matter to the concerned Additional Chief Secretary and the Minister-in-Charge for reconsideration, nothing further remains to be decided

in the writ petition. This court also records the submission of the respondents that the private respondent has not joined the post till date.

W.P.A.5671 of 2022 is hence disposed of with a direction on the Additional Chief Secretary and the Minister-in-Charge, Government of West Bengal, Animal Resources Development, to take a decision in the matter of appointment of the Registrar to the University within four weeks from date. The decision shall be in accordance with the 1995 Act and the Statues framed thereunder. The State respondents shall also ensure that the post will not fill up by a new incumbent till three weeks after the decision is taken. A copy of the decision shall also be communicated to the petitioner within a week from the date on which such decision is taken.

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.)