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Ct. 05
03.02.2022

**W.P.A. No. 4877 of 2020
(Via Video Conference)**

**Samiran Maity
Vs.
The State of West Bengal & Ors.**

Mr. Anil Kumar Chattopadhyaya ... For the petitioner.

Mr. Kallol Basu,
Mr. Suman Banerjee ... For the respondent no. 4.

The grievance of the writ petitioner is that despite sitting for the written test and the interview for the post of L.D. Clerk on 28th February, 2019, the concerned College has not taken any steps for empanelling merit list candidates for the said posts. The said post is under Exempted Category (Un-Reserved) of the Barasat College.

Learned counsel appearing for the College was requested to produce the original records which has been done today. Counsel hands up a letter dated 28th December, 2020 from the Principal of the College to the Director of Public Instruction stating that the recruitment of one L.D. Clerk (Exempted Category) in the Day Section of the College and another posts could not be completed. Counsel submits that the D.P.I. has not responded to this till date.

Upon hearing learned counsel and considering the documents on record, it appears that the petitioner

was called for the interview on 28th February, 2019 by the Principal of the College. The letter to the D.P.I. is of December 2020 citing inability to complete the recruitment process by reason of the pandemic. There is no explanation as to why the College could not take the requisite steps from February 2019, which was more than a year before the pandemic started till December 2020. Before the D.P.I. is questioned for his inaction, the College must also be brought to task.

W.P.A. 4877 of 2020 is disposed of with a direction on the Director of Public Instruction, State Higher Education Directorate, to respond to the letter of the College by extending the tenure of the permission for filling up of the two posts within a period of two weeks from the date of communication of this order. Both the D.P.I. and the College shall be liable to pay costs for the undue and unexplained delay and pay Rs. 10,000/- each to Bharat Sevasram Sangha and the petitioner respectively within three weeks from date.

The writ petition is disposed of accordingly.

Since affidavits have not been called for, the allegations made in the writ petition are deemed to have been admitted.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Moushumi Bhattacharya, J.)

