

13.06.2022
Sl. No.16
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6029 of 2022

Soumen Pramanik
Vs.
The State of West Bengal & Ors.

Mr. Tulsi Das Maiti,
Mr. Snehasisi Bala
....for the petitioner.

Ms. Kakali Samajpaty
....for the State.

Mr. Ram Mohan Pal
....for the respondent nos.2, 3 & 4.

Mr. Nilotpall Chatterjee,
Mr. Satyaki Banerjee
.....for Calcutta University.

The petitioner participated in a recruitment process held in terms of Employment Notification no.1 of 2019 dated 17th June, 2019 issued by the Office of the District Judge, Howrah, English Department for preparation of a panel to fill up the existing and expected vacancies in various posts, some of which were in respect of Process Server (Summons Bailiff). The petitioner says that he is a meritorious sports person (in short MSP), and as such he is entitled to have his candidature considered against the sole unreserved MSP vacancy. The petitioner secured the highest marks as a candidate in the examination held towards filling up the said

unreserved MSP vacancy. The petitioner in support of his claim as MSP says that he had participated in the XI West Bengal State Inter Non-Government College Athletic Meet, 2010. The petitioner says that the participation certificate issued by the Education Department in support of MSP is also the certificate necessary for the recruitment, and as such the petitioner should be given appointment against the vacancy under unreserved (MSP) as Process Server (Summon Bailiff). This certificate, which appears at page 26 of the writ petition, has not been considered by the District Recruitment Committee, according to the petitioner, although he fulfilled all other criteria. The petitioner has challenged the said action on the part of the District Recruitment Committee.

After going through the Notification dated 4th April, 2011 published by the Government of West Bengal, Labour Department, I find that in order to be eligible to get the benefit of reservation as a MSP one has to participate in the Inter-University Tournament where the certificate is issued by either the Dean/Director of Sports or other officer in over all charge of Sports of the University concerned.

In the instant case, the certificate on which the petitioner relies for the purpose of getting benefit

under the MSP is for participating in XI West Bengal State Inter Non-Government College Athletic Meet, 2010 issued by the Education Directorate, Government of West Bengal. The participation in XI West Bengal State Inter Non-Government College Athletic Meet, 2010 does not come within the definition of Inter University tournament and, as such, the petitioner is not entitled to the benefit of reservation for the MSP.

The writ petition, therefor, fails. The same is disposed of with the observation that the certificate produced by the petitioner does not conform to the eligibility criteria under the subject recruitment process.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)