Court No. 22

21.6.2022

(Item No. 110)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 5830 of 2010

Samar Kumar Pal
VS
The State of West Bengal & Ors.

Md. Salahuddin
Md. Ahsanuzaman
Md. Raziuddin
……. for the petitioner

Affidavit of service filed in Court today, is taken on record.

This is a writ petition of 2010. Pursuant to an advertisement issued in 2008 by the West Bengal College Service Commission, the petitioner with the requisite qualification applied for the post of Lectureship. The necessary interview was held on March 20, 2009 for filling the post of Lectureship in Micro Biology at the Burdwan University.

The result was published and the petitioner could not qualify. The petitioner alleged that the marks obtained by the petitioner in the examination was never informed to the petitioner despite repeated representations. It was also contended that even the candidates who scored lesser marks than the petitioner, were empanelled by the College Service Commission.

The sole grievance of the petitioner is that, despite repeated requests and representations, though it was the duty of the College Service Commission to inform the

petitioner as to the marks he had scored was not informed to him and as a result the petitioner despite having all requisite qualification though could have been appointed in the post of Lectureship, was not selected.

Mr. Sallauddin, learned counsel appearing for the writ petitioner submitted that, in breach of the Recruitment Rules and violation of the relevant procedure the College Service Commission declined the empanelment and the consequential appointment of the petitioner for the post of Lectureship and the candidates with the lesser marks were empanelled in violation of such Rules.

The learned counsel for the writ petitioner submits that, the respondents had filed its affidavit-in-opposition and a copy thereof was duly served upon the writ petitioner. The writ petitioner also filed its affidavit-in-reply. However, from the record it appears, that, none of these affidavits are available.

None represents the College Service Commission or any other respondents despite notice.

On a close scrutiny of the averments made in the writ petition it appears that, the selection process was initiated in 2008/2009. The successful candidates in the said selection process were empanelled and received the consequential appointments for the relevant post of Lectureship. A valuable right had already been vested in favour of such successful candidates. In as much as, such

successful candidates were also not impleaded in this writ petition. In an appointment process of 2008 which had already closed and acted upon, this Court in exercise of its equitable jurisdiction, is not inclined to interfere with the same.

In view of the foregoing discussions and reasons the writ petition being **WPA 5830 of 2010** stands dismissed.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)